AIIM SCANNER TEST CHART #2

Spectra

4 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

6 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

8 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

10 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

Times Roman

4 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:'',./?$0123456789

6 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:'',./?$0123456789

8 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:'',./?$0123456789

10 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:'',./?$0123456789

Century Schoolbook Bold

4 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

6 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

8 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:'',./?$0123456789

10 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:'',./?$0123456789

News Gothic Bold Reversed

4 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

6 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

8 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

10 PT ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789

Bodoni Italic

4 PT *ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789*

6 PT *ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789*

8 PT *ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789*

10 PT *ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz;:",./?$0123456789*

Greek and Math Symbols

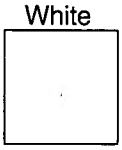
4 PT ΑΒΓΔΕΞΘΗΙΚΛΜΝΟΠΦΡΣΤΥΩΞΨΖαβγδεξθηιφκλμνοπφρστυωχψζ≥±",./≤=≠°><≡

6 PT ΑΒΓΔΕΞΘΗΙΚΛΜΝΟΠΦΡΣΤΥΩΞΨΖαβγδεξθηιφκλμνοπφρστυωχψζ≥±",./≤=≠°><≡

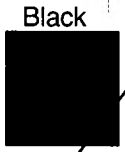
8 PT ΑΒΓΔΕΞΘΗΙΚΛΜΝΟΠΦΡΣΤΥΩΞΨΖαβγδεξθηιφκλμνοπφρστυωχψζ≥±",./≤=≠°><≡

10 PT ΑΒΓΔΕΞΘΗΙΚΛΜΝΟΠΦΡΣΤΥΩΞΨΖαβγδεξθηιφκλμνοπφρστυωχψζ≥±",./≤=≠°><≡

White



Black



Isolated Characters,

e	m	1	2	3	a
4	5	6	7	o	o
8	9	0	h	I	B

0123456

6543210

A4 Page 6543210

MESH HALFTONE WEDGES

65

85

100

110

133

150

A4 Page 6543210

0123456

6543210

M.024.10037

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

MINUTES

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

MINUTES

VOLUME: 99

(NOVEMBER 10, 2020 – AUGUST 24, 2021)
(PAGES: INDEX – 441)

NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

GOVERNMENT RECORDS SECTION
RECORDS ANALYSIS UNIT

archives.ncdcr.gov 4615 Mail Service Center, Raleigh, NC 27699 919-814-6907

ANALYST'S REPORT OF RECORDS RECEIVED FOR FILMING

Analyst: Josh Hager
Date: February 11, 2022

Name of the county or municipality, or other public body:

City of Asheville

Name of the board, council, department, or agency:

City Council

Volume and page numbers included:

Books 91-99

Exact dates of the records included:

8/27/2013 – 8/24/2021

Records are: ☒Minutes ☐Resolutions ☐Ordinances

Other: _____

Are these records in reverse order? No

The details above were compiled from: ☒Cover letters supplied by the originating office

☐Contact with the originating office

☒Examining the records

Person submitting the minutes for filming: Maggie Burleson

AXAEM ID: MIC-2022.02.0004 Number of pages: 4000

ORIGINALS or COPIES: ORIGINALS

Notes: Double-sided, letter-sized pages in original volumes

Physical Address:
215 N Blount Street
Raleigh, N.C. 27601

State Courier 51-81-20
Facsimile (919) 715-3627
records@ncdcr.gov

Department of Natural and Cultural Resources
Division of Archives and Records
Collections Services Section

Certificate of Authenticity

This is to certify that the following images are true and accurate reproductions of records received by this agency for the purpose of scanning and creating microfilm from the scanned images. It is further certified that any micrographic format created through conversion or duplication of these images complies with the Uniform Photographic Copies of Business and Public Records as Evidence Act, as described in G.S. § 8-45.1, and forms a durable medium for reproducing the original record. It is also certified that processes exist to prevent the unauthorized creation, addition, alteration, deletion, or deterioration of these images, and that these images were scanned under the direction of the undersigned on the date(s) indicated below.

The records consist of: BUNCOMBE COUNTY

CITY OF ASHEVILLE, CITY COUNCIL

The records begin with:

VOLUME: 99 DATE: NOVEMBER 10, 2020 PAGE: INDEX

and end with:

VOLUME: _____ DATE: _____ PAGE: _____

Date scanning began: 2/21/22 Date scanning ended: _____

Scanning Resolution (dpi): 300

Number of pages scanned: _____

_____

Equipment Operator

120Water - Amdt for Lead Education and Prevention Prog, 360
160D - Public hearing on UDO Amdt for 160D amendments, 294
160D – Vote on UDO Amdt for 160D amendments, 324

A-B Tech - Agrmt to expand their jurisdiction, 40
ABC Board - Approval of their travel policy, 369
ABC Board – Consensus of Council to readvertise, 58
ABC Board - Reappted Robin Cape and appted Sharon West and Nian Avery, 87
Abzug, Peter - Appted to Neighborhood Advisory Committee as at-large rep, 90
Accubrine System - Sole Source for salt brine equipment, 248
Public Comments - Open public comments with pre-registration; disappointment reparations funding removed from agenda, 24
AECOM - Contract to update Sustainability Mgt Plan into a Municipal Climate Action Plan, 302
Affordable Housing - worksession, 93
Affordable Housing Advisory Com - Appted Barbara Ann Philip, 86
Affordable Housing Advisory Committee - Appted Brandy Woodward, Chris Day and ZaKiya Bell-Rogers, 278
Affordable Housing Advisory Committee - Two additional members, 187
African American Heritage Commission - Appted Beverly Miller, 86
African American Heritage Commission - Clerk to readvertise, 438
African American Heritage Commission - Clerk to readvertise for seat, 395
African American Heritage Commission – It was the consensus to readvertise for the vacancy, 326
Air Products - Agmt for liquid oxygen at Mills River Water Treatment Plant, 332
Airport - Annual Report, 257
Alcohol - Allowed at Hola Asheville Celebration, Brews & Bears, Downtown After 5, Blue Ridge Pride and Ashv Veganfest, 305
Alguire, Carl - Appted to Mountain Community Capital Operating Fund, 396
Alley - PH to close portion of 155 Thompson St, 381
Alley - Set PH to close portion of 155 Thompson St, 309
Alleys - Public hearing set to close portion of r-of-way at Courtland and Houston, 36
Alleys - Public hearing set to close portion of r-of-way known as Trade St, 37, 115
Alleys - Public hearing set to close portion of r-of-way known as Velvet St, 35
Alleys - Public hearing set to close r-of-way east of Biltmore Avenue, 101
Alleys - Public hearing set to close r-of-way near Bellevue Road, 100
Alleys - Public hearing to close portion of r-of-way at Courtland and Houston, 77
Alleys - Public hearing to close portion of r-of-way known as Trade St, 78, 169
Alleys - Public hearing to close portion of r-of-way known as Velvet St, 76
Alleys - Public hearing to close r-of-way east of Biltmore Avenue, 142
Alleys - Public hearing to close r-of-way near Bellevue Road, 141
Alleys – Vote to close portion of r-of-way at Courtland and Houston, 108
Alleys – Vote to close portion of r-of-way known as Trade St, 196
Alleys – Vote to close portion of r-of-way known as Velvet St, 108
Alleys – Vote to close r-of-way east of Biltmore Avenue, 171
Alleys – Vote to close r-of-way near Bellevue Road, 171
Alleys –Pulled from consideration due to property discrepancy the portion of r-of-way known as Trade St, 109
American Rescue Plan Act - Budget amdt for FTA grant application and agrmts for American Rescue Plan Act Sec 5307 funds, 402
American Rescue Plan Act - Council added a worksession on this, 343
American Rescue Plan Act - Federal Transit Administration grant application and agrmts for American Rescue Plan Act Sec 5307 funds, 402
American Rescue Plan Act - Receipt of funds and delegating responsibility, 366
American Rescue Plan Act - Worksession, 398
American Rescue Plan Act - Worksession added, 379
American Rescue Plan Act Funding - Worksession, 357

American Rescue Plan Act Funds - Public input on categories, 436
Multimodal Transportation Commission – Reappted Patricia Katz and appted John Bausone, Lydia Buehrer and Michael Waddle, 59
Broadway Public Safety Station - Contracts with Verkada Video Security Cameras, Mach Alert Station Alerting, Plymovent, Schlage Door Hardware, 133
Bd of Electrical Examiners – Reappted Drew Pike, Russell Thacher and Roger Vaught; and appointed Donald Shane Massey, 326
Annandale, 61, 63, 65 and 67 - Approved loan modification for Mountain Housing Opportunities, 216
Annexation - Public hearing on vol annexation of property off Oak Hill Circle and Moorecrest Road, 143
Annexation - Set public hearing to vol annex property off Oak Hill Cir and Moorecrest Rd, 114
Annexation – Vote on vol annexation of property off Oak Hill Circle and Moorecrest Road, 171
Appalachian Sitework Inc. - Contract for Sulphur Springs stormwater improvements, 400
Armstrong, Kenneth - Reappted to Multimodal Transportation Commission, ~~440~~ 441
ARPA - Budget amendment to address funds for revenue losses, 419
ARPA - Receipt of funds and delegating responsibility, 366
ARPA Funds - Public input on categories, 436
Asheland Avenue, 50 - App with FTA for design concept of Transit Center expansion and development of 50 Asheland Ave, 373
Asheland Avenue, 50 – Budget amendment for Dogwood Trust funds for purchase of 50 Asheland Avenue, 297
Asheland Avenue, 50 - Grant agrmt with Dogwood Trust for purchase of 50 Asheland Avenue, 297
Asheville City Schools Foundation - Recipient of additional donation of unused and unclaimed water settlement funds, 314
Asheville City Schools Foundation - Recipient of donation of unused and unclaimed water settlement funds, 210
Asheville Police Department Update - Manager's Report, 348
Asheville Rides Transit - Sole Source procurement with Motorola of radios for Buses, 3
Asheville VeganFest - Alcohol allowed, 305
Asheville-Buncombe Community Land Trust - Donate City lots on Lufty and W Chestnut St, 387
Asheville-Buncombe United for Youth Network - Agrmt, 260
Asphalt - Contract with Tarheel Paving, 271
Asphalt Preservation - Contract with Harrison Construction Co, 410
AstroTurf Corp - Contract for Memorial Stadium Turf, 268
ATL Hospitality - Contracts for homeless shelter, 287
Audit - Contract with PBMares, 289
Audit - Report of financial audit, 212
Audit Committee - Appted Susan Hutchison, 129
Audit Committee - Clerk to readvertise for vacancy, 86
Audit Committee - Reappted Amy Kemp and appted Andrew Emory, 218
Austin Construction & Paving - Pebble Creek Stream Stabilization, 158
Austin, Kim - Appted to Sustainable Advisory Committee on Energy & the Environment, 91
Avery, Nian - Appted to ABC Board, 87
Axis Security - Contract Ext for COVID-19 Shelters, 101
Axis Security - Contracts for homeless shelter, 287
Axon - Renewal for body worn camera/taser program, 30
Azteca Systems - Contract ext for Cityworks asset mgt software, 186

Balsam Gardens - Lease of property off Hardesty Lane, 132
Baron, Steven - Appted to Sustainable Advisory Committee on Energy & the Environment, 91
Bausone, John - Appted to Multimodal Transportation Commission, 59
Bausone, John - Reappted to Multimodal Transportation Commission, ~~440~~ 441
Bears - Rental fee for bear-resistant trash carts, 11
Beer City Cup - Alcohol approved for event, 411
Bellevue Road - Public hearing set to close r-of-way near Bellevue Road, 100
Bellevue Road - Public hearing to close r-of-way near Bellevue Road, 141
Bellevue Road – Vote to close r-of-way near Bellevue Road, 171
Bell-Rogers, ZaKiya - Appted to Affordable Housing Advisory Committee, 278
Benefits - Contract with CIGNA Health and Express Scripts for medical and pharmacy insurance, 244
Biltmore Avenue - Public hearing set to close r-of-way east of Biltmore Avenue, 101
Biltmore Avenue - Public hearing to close r-of-way east of Biltmore Avenue, 142
Biltmore Avenue – Vote to close r-of-way east of Biltmore Avenue, 171
BioNomic Services - Change Order for Sludge Removal at water treatment plants, 97
Black Asheville - Funding commitment for community reparations removed from consideration, 1
Blanchard, Miller, Lewis & Isley - Contract for lobbyist, 178
Blount, Stephen J. - To be interviewed for School Board, 127
Blue Horizons Project - Contract with Green Built Alliance, 371
Blue Horizons Project Community Council - Contract with Green Built Alliance, 371
Blue Ridge Pride - Alcohol allowed, 305
Board of Adjustment - Appted Christopher Fundanish as Alternate, 129
Board of Adjustment - Appted Wendy Tabb as Alternate, 218
Board of Adjustment - Reappted Paul Wilczynski (Reg), John Michael Kledis (Alt) and Suzanne Godsey (Reg), 87
Board of Electrical Examiners - Appted Rick Sluder, 439
Board of Electrical Examiners - Clerk to readvertise for seat, 395
Boards & Commission - Appointments of liaisons and members, 29
Boards & Commissions - Adoption of Ethics Policy, 339
Body Worn Cameras - Renewal with Axon for body worn camera/taser program, 30
Bonds - 2021 Special Obligation Refunding Bonds and application to LGC, 135
Bonds - Application to LGC for Water Revenue Refunding Bonds, 376
Bonds - Contract with Parker Poe Adams and Bernstein for bond counsel, 181
Bonds - PH for 2021 Limited Obligation Refunding Bonds, 170
Bonds - Pursue rate modification for GO Bond Draw Program, 38
Bonds - Set PH for 2021 Limited Obligation Refunding Bonds, 135
Bonds – Vote to 2021 Limited Obligation Refunding Bonds Bond Order, 196
Bonds – Vote to approve 2021 Limited Obligation Refunding Bonds, 196
Bonds – Vote to approve 2021 Special Obligation Refunding Bonds, 196
Bonds - Water Revenue Bond approving resolution, 407
Bonds - Water Revenue Bond Order, 407
Bothwell, Cecil - Reappted to Urban Forestry Commission, 91
Brews & Bears - Alcohol allowed, 305
Broadway - Sidewalk Maint agrmt with NCDOT for section along Broadway, 361
Broadway Public Safety Station Bldg - Contract with Gleeson Builders, 379
Broadway Street - Agrmt with NCDOT for signal at Fire Station along Broadway, 288
Brooks Network Services - Cameras for Municipal Bldg, 285
Brown, Joyce - To be interviewed for School Board, 127
Bryson Group - Housing Trust Fund loan, 55

Budget - Adoption of FY 2021-22, 350
Budget - Adoption of FY 21-22 Calendar, 65
Budget - Fees & Charges Manual amended for all fees, water resource fees and special event fee discount, 273
Budget - Fees suspended on case by case basis regarding COVID-19, 67
Budget - Manager's recommended budget, 291
Budget - Public hearing, 322
Budget - Revisions to 2021-22 Budget calendar, 163
Budget - Schedule revised to add additional budget worksession, 211
Budget - worksession, 267
Budget - Worksession, 176, 202, 241
Budget - Worksession added, 255
Budget - Worksesson, 155
Budget Amendment - Accept Coronavirus 5310 Grant Funds, 208
Budget Amendment - Amdt to 2020-21 Action Plan, 18
Budget Amendment - ARPA funds for revenue losses, 419
Budget Amendment - Bulletproof Vest Grant, 50
Budget Amendment - Buncombe Co Anti-Crime Task Force, 13
Budget Amendment - Carry-overs, 207
Budget Amendment - Code Purple, 71, 136
Budget Amendment - Contract for supplemental transit svs, 5
Budget Amendment - Contracts for homeless shelter, 287
Budget Amendment - Cost for visioning Vance Monument area, 197
Budget Amendment - COVID-19 Shelters, 101
Budget Amendment - Dogwood Trust funds for purchase of 50 Asheland Avenue, 297
Budget Amendment - Donation from Rotary Clubs and Montford Neighborhood Assn for bus stop impvts, 286
Budget Amendment - Donations for APD Training, 47
Budget Amendment - For amdt to 2019-20 Action Plan, 18
Budget Amendment - For contract with Ramada Inn and Sunrise Community for Recovery & Wellness for homeless shelter, 254
Budget Amendment - For fire protection revenues with Buncombe County, 416
Budget Amendment - For fire truck for insurance recovery funds, 189
Budget Amendment - Friends of the WNC Nature Center, 404
Budget Amendment - From National resource Defense Council grant, 417
Budget Amendment - FTA grant application and agrmts for American Rescue Plan Act Sec 5307 funds, 402
Budget Amendment - Grant app for remote learning site, 12
Budget Amendment - Grant for backyard composting, 162
Budget Amendment - Grant for Food Policy Action Plan, 72
Budget Amendment - High Intensity Drug Trafficking Grant, 317
Budget Amendment - High Intensity Drug Trafficking Grant not approved, 256
Budget Amendment - Homeward Bound grant to support homelessness shelter, 388
Budget Amendment - Increase Sec 5310 Grant, 41
Budget Amendment - JAG Grant, 48
Budget Amendment - Refunding of 2021 debt, 340
Budget Amendment - Rental of toilet and handwashing stations, 304
Budget Amendment - To fund reparations, 325
Budget Amendment - Vote to accept CDBG Funds to include sale of city-owned land, 214
Budget Amendment - Burton St Neighborhood Community Leadership Assn donation, 270
Buehrer, Lydia - Appted to Multimodal Transportation Commission, 59
Buhna Corp - Contracts for homeless shelter, 287
Buncombe County - Agrmt for fire protection and rescue svs, 315
Buncombe County - Agrmt for Homeowners Assistance Grant Program, 377
Buncombe County - Agrmt for joint bid on onsite renewable energy systems, 206
Buncombe County - Agrmt for reimbursement for assistance with vaccination sites, 210

Buncombe County - Agrmt with Housing Authority, Buncombe Co & City Schools for Internet Svs, 17
Buncombe County - Budget amendment for Anti-Crime Task Force, 13
Buncombe County - Budget amendment for fire protection revenues, 416
Buncombe County - Cost-sharing agrmt for Code Purple, 71
Buncombe County - Ratify and amend contract for paratransit svs, 415
Buncombe County Tourism Development Authority - Clerk to arrange interviews, 438
Buncombe County Tourism Development Authority - Clerk to readvertise, 395
Buncombe-Madison Plan - Adoption of Regional Hazard Mitigation Plan, 301
Burton St Neighborhood Community Leadership Assn - Budget amendment for donation, 270
Buses - Budget amendment for contract amendment for supplemental transit svs, 5
Buses - Contract amdt with Swiftly for real-time bus info software, 4
Buses - Sole Source procurement with Motorola of radios for Buses, 3

Caledonia Stormwater Project - Contract with Moore & Son Site Contractors for Forest Hill/Caledonia Stormwater Project, 184
Canterbury Drive - Contract amdt with Hazen and Sawyer for drainage impvts, 9
Cape, Robin - Reappted to ABC Board, 87
Capital Projects - Amdt that City capital projs are exempt from permit fees, 204
Carbon Tracking - Contract with Duke Solutions for license for carbon tracking system, 338
Carolina Lane - Contract with French Broad Paving for Carolina Lane - Langren Alley Resurfacing, 252
Carolina Specialties Construction - Contract amdt for Jake Rusher Park, 70
Carter, James - Reappted to School Board, 200
Carter, James C. - To be interviewed for School Board, 127
CDBG - Public hearing on CDBG and HOME funding allocations, 257
CDBG - Update Action Plan, 308
CDBG - Vote for amdt to 2019-20 Action Plan, 18
CDBG – Vote on CDBG and HOME funding allocations, 273
CDBG & Home - Public hearing on 5-Year consolidated plan for CDBG & HOME, 19
CDBG & HOME - Public hearing to amend Action Plan, 192
CDBG & Home – Vote on 5-Year consolidated plan for CDBG & HOME, 54
CDBG & HOME – Vote to amend Action Plan, 214
CDBG and HOME Funds - Vote for amdt to 2020-21 Action Plan, 18
CDM Smith - Change order for oversite of Mills River WTP Rehab Proj, 313
Chalarca, Juan Pable - Appted to Neighborhood Advisory Committee, 328
Chandler, Susy - Appted to Human Relations Council, 88
Charlotte Street, 101 - Public hearing continued for conditional zoning, 386, 436
Charlotte Street, 101 - Public hearing continued for land use incentive grant, 436
Charlotte Street, 101 - Public hearing continued of land use incentive grant, 386
Chonzie - Contract to remove monument, 197
CIGNA Health - Contract for medical and pharmacy insurance, 244
Citizens Police Advisory Committee - Reappted Robert Hooper and readvertise, 327
Citizens-Police Advisory Com - Appted Kim Roney, 30
Citizens-Police Advisory Committee - Reappted Michael Hayes and Karl Katterjohn, 395
City Buildings - Contract with Terminix for pest control, 368
City Council - Retreat date, 190
City Council - 2021 meeting schedule, 26
City Council - Appointments of liaisons and members, 29
City Manager - City Mgr authorized to acquire real property interests up to 90,000, 45
City Manager - Report, 51
City Manager - Report on CIP and utility water shuttoffs, 74
City Schools - Agrmt with Housing Authority, Buncombe Co & City Schools for Internet Svs, 17
Cityworks - Contract ext for Cityworks asset mgt software, 186
Civic Center Commission - Appted Crissa Requate Sinkovic, 130
Civic Center Commission - Reappted Mukunda Pacifici and appointed Mitchell Eaton, 327
Civil Service Board - Public hearing on Substantive Rules, 83
Civil Service Board - Reappted Carol Goins and Carter Webb, 279
Civil Service Board – Vote to approve on Substantive Rules, 110
Climbmax - Lease for 43 Wall St, 406
Code Purple - Acceptance of Dogwood Health Trust funding for Code Purple, 211
Code Purple - Budget amendment, 71
Code Purple - Budget Amendment, 136
Code Purple - Contract extension with Western Carolian Rescue Ministries, 136
Code Purple - Contract with Wester Carolina Rescue Ministries, 71
Code Purple - Cost sharing agrmt with Buncombe County, 71
Coit, Veronica - Reappted to Human Relations Commission, 280

Collins, Tim - Appted to Human Relations Commission, 440
Colt, Veronica - Appted to Human Relations Commission, 58
Comments - Various Comments, 397
Comments - Various comments from public, 330
Comments - Various public comments, 200, 219, 266, 281, 300, 355, 441
Comments - Various public comments on The Bluff's dev and school bd appointments, 174
Community Reparations - Funding commitment for community reparations removed from consideration, 1
Composting - Budget amendment for grant from NC Dept of Env Quality, 162
Condemnation - Condemnation of sidewalk easement at 117 Onteora Blvd, 28
Conditional Zoning - Public hearing continued for 101 Charlotte Street, 386, 436
Conditional Zoning - Public hearing continued of CZ of 70 Mills Gap Road, 350
Conditional Zoning - Public hearing for 66 Long Shoals Road, 385
Conditional Zoning - Public hearing for CZ for 144 and 159 Riverside Dr, 427
Conditional Zoning - Public hearing for CZ for 1617 Hendersonville Rd, 423
Conditional Zoning - Public hearing for CZ for 22 Woodfin St, 431
Conditional Zoning - Public hearing for CZ for 99999 Sand Hill Road, 79
Conditional Zoning - Public hearing on CZ for 99999 Glendale Ave, 293
Conditional Zoning – Vote on CZ for 99999 Glendale Ave, 324
Conditional Zoning – Vote to approve CZ for 99999 Sand Hill Road, 109
Continuum of Care - Agrmts with HUD for Continuum of Care and HMIS operations, 311
Cooper Construction Co - Agrmt for Pressure Reducing Valve Replacement Proj, 164
Coplai, Sara - Appted to Homeless Initiative Advisory Committee, 58
CoThinkk - Recipient of additional donation of unused and unclaimed water settlement funds, 314
CoThinkk - Recipient of donation of unused and unclaimed water settlement funds, 210
Courtland Avenue - Public hearing set to close portion of r-of-way at Courtland and Houston, 36
Courtland Avenue - Public hearing to close portion of r-of-way at Courtland and Houston, 77
Courtland Avenue – Vote to close portion of r-of-way at Courtland and Houston, 108
COVID-19 - Agrmt with Buncombe County for reimbursement for assistance with vaccination sites, 210
COVID-19 - Budget amendment for grant app for remote learning site, 12
COVID-19 - Budget amendment for COVID-19 Shelters, 101
COVID-19 - Budget amendment to accept Coronavirus 5310 Grant Funds, 208
COVID-19 - Contract Amdt with Griffin Waste Svs for portable toilets & handwashing stations, 66
COVID-19 - Contract Ext for COVID-19 Shelters at Homeward Bound, Axis Security and RRI West Mgt, 101
COVID-19 - Contract with FusionSite Asheville for rental of toilet and handwashing stations, 304
COVID-19 - Fees suspended on case by case basis, 67
COVID-19 - Grant app to NC Alliance of YMCA Grant for remote learning site, 12
COVID-19 - MOU with RRI West Management to house homeless during COVID-19, 44
Crestwood Drive, 57 - License agrmt with US Cellular, 331
Curbside Management - Recycling contract, 283

Day, Chris - Appted to Affordable Housing Advisory Committee, 278
Days Inn - Homeward Bound support for their purchase of Days Inn at 201 Tunnel Road, 344
de Jong, Perrin - Reappted to Urban Forestry Commission, 91
Public Comments - Reparations funding, 92
Delange, Michele - To be interviewed for School Board, 127
Desai, Jason - Appted to Homeless Initiative Advisory Committee, 58
Design Review - Roles & responsibilities revised for Riverfront Redev Com and Downtown Com, 244
Design Review Committee – Appointments postponed, 266
Design Review Committee – Appted Robin Raines, Steven Lee Johnson, Kimberly Hunter, Bryan Moffitt, Jane Mathews, Jeremy Goldstein and Ben Williamson, 279
Diakin Applied Americas - Contract ext for Harrah's chiller maint, 412
Diakin Applied Americas - Contract ext for one year for Harrah's Chiller Maint, 32
Diaz, Elvia - Reappted to Homeless Initiative Adv Com, 58
District Sidewalks - Agrmt with Norfork Southern Railroad for The District Sidewalk Project, 2
Dogwood Health Trust - Acceptance of funding for Code Purple, 211
Dogwood Health Trust - Grant with Dogwood Trust for purchase of 50 Asheland Avenue, 297
Donations - Budget amendment for APD Training, 47
Downtown - Contract with WNC Landscaping for FY 2021 Downtown Cleaning, 42
Downtown After 5 - Alcohol allowed, 305
Downtown Commission - Appted Sage Turner, 30
Downtown Commission - Reappted Andrew Fletcher, Kimberly Hunter and Steven Lee Johnson and appted Guillermo Rodriguez, 88
Downtown Commission - Updated roles & responsibilities related to design review, 244
Drugs - MOA with State for settlement of opioid litigation, 318
Dude Solutions - Contract for carbon tracking system, 338
Duke Energy - City's intervening in NC Utilities Com of Duke's Integrated Resource Plan, 14

Easement - Condemnation of sidewalk easement at 117 Onteora Blvd, 28
Easement - Easement with 99 Riverside LLC for loading dock, 340
Easement- Sewer easement at 63 Liberty Street to Danridge Giltz, 413
Easements - Purchase of waterline easement on Patton Avenue, 378
Easton, Mitchell - Appted to Civic Center Commission, 327
Eastview Circle - Accept Powell land at Old Haywood Rd and Eastview Circle, 343
Econolodge - Contract amdt for homeless shelter, 365
Economic Development Coalition - Update, 166
Edwin Place - Contract amdt with Hazen and Sawyer for drainage impvts, 9
Elections - Portions of Abstracts from Primary and General Elections, 219
Emory, Andrew - Appted to Audit Committee, 218
Encroachments - Verizon Wireless Master Encroachment Agrmt, 16
Equity & Inclusion Assessment - Manager's Report, 166
Ethics Policy - Adopted for Boards & Commissions, 339
Executive Office of the President - Application for High Intensity Drug Trafficking Grant with Executive office of the President, 317
Executive Office of the President - Application for High Intensity Drug Trafficking Grant with Executive office of the President not approved, 256
Express Scripts - Contract for medical and pharmacy insurance, 244

Facility Dude - Contract with Duke Solutions for license for carbon tracking system, 338
Falson, Georgene - Appted to Historic Resources Commission, 327
Federal Transit Administration - Application and agrmts for American Rescue Plan Act Sec 5307 funds, 402
Federal Transit Administration - Application for design concept of Transit Center expansion and development of 50 Asheland Ave, 373
Fee Rebate Policy - Update, 364
Fees - Suspended on case by case basis regarding COVID-19, 67
Fees & Charges - Amdt that City capital projs are exempt from permit fees, 204
Fees & Charges - Amdt to police alarms, 341
Fees & Charges - Manual amended for all fees, water resource fees and special event fee discount, 273
Fees & Charges - Rental for bear-resistant trash carts, 11
Fees & Charges Manual - Amdt to transit advertising fees, 400
FEMA - Application for firefighters assistance grant, 333
Fifty-Five South Market - Easement for footers and accept small parcels of land at Market and Velvet Sts, 314
Fire & Rescue Services - Agrmt with Reems Creek Fire Dept, 414
Fire Hazard Mitigation Plan - Adopted Buncombe-Madison Plan, 301
Fire Prevention - Ord amending to impose civil penalties for violations, 46
Fire Protection - Agrmt with Buncombe County for fire protection and rescue svs, 315
Fire Station - Agrmt with NCDOT for signal at Fire Station along Broadway, 288
Fire Station 4 - Sole source with Mach Alert for Fire Station 4, 188
Fire Station 8 - MOU with US Dept of Veterans Affairs for temporary space for Fire Station 8, 253
Fire Truck - Budget amendment for insurance recovery funds, 189
Firefighters - Application to FEMA for firefighters assistance grant, 333
Firemen's Relief Fund - Appted Tony McDowell, 130
Five P Mountain (Ramada Inn) -Contract for homeless shelters, 287
Five P Mountain LLC - Contract with Ramada Inn for emergency homeless shelters, 254
Flashparking - Contract with Kever Logic for new parking garage equip, 310
Fletcher, Andrew - Reappted to Downtown Com, 88
Flood Mitigation Actions Report - Accepted and recertify as member in Community Rating System Program, 334
Food Policy Action Plan - Budget amendment, 417
Food Policy Action Plan - Budget Amendment, 72
Food Policy Action Plan - Grant from Natural Resource Defense Council, 72
Food Policy Action Plan - National Resource Defense Council grant for food waste reduction, 417
Forest Hill Stormwater Project - Contract with Moore & Son Site Contractors for Forest Hill/Caledonia Stormwater Project, 184
Fountains - Contract amdt with WPLaw Fountain Division for Pack Square Fountain Restoration, 98
French Broad MPO - Grant apps for 5310 and 5307 funds, 33
French Broad MPO - Grant for feasibility study for Reed Creek Greenway, 96
French Broad Paving - Contract for Carolina Lane - Langren Alley Resurfacing, 252
French Broad River - Contract with IPC Structures for Greenway West Proj, 161
French Broad River - Name change from French Broad River East Bank Greenway to Wilma Dykeman Greenway, 180
Friends of the WNC Nature Center - Budget amendment, 404
Friends of the WNC Nature Center - MOU with Friends of the WNC Nature Center, 404
FTA - App to FTA for Coronavirus 5310 Grant funds and agrmt with Mtn Projects, 208
Fundanish, Christopher - Appted to Board of Adjustment as an Alternate, 129

F

Furnari, Karla - Appted to Multimodal Transportation Commission, ~~440~~ 441

FusionSite Asheville - Contract with Griffin Waste Svs for rental of toilet and handwashing stations, 304

Gilbert, Patrick - Reappted to Noise Ordinance Appeals Board, 329
Giltz, Danridge - Sewer easement at 63 Liberty Street, 413
Gleeson Builders - Contract for Broadway Public Safety Station Bldg, 379
Glendale Avenue, 99999 - Public hearing on CZ for 99999 Glendale Ave, 293
Glendale Avenue, 99999 – Vote on CZ for 99999 Glendale Ave, 324
Godsey, Suzanne - Reappted to Board of Adjustment as Alternate, 87
Goins, Carol - Reappted to Civil Service Board, 279
Goldstein, Jeremy - Appted to Design Review Committee, 279
Goombay Festival - Alcohol approved for event, 411
Grant Center - Presentation of Gym and Pool Project, 319
Green Built Alliance - Contract for Blue Horizons Project and their community council, 371
Green, Alfred - Appted to Human Relations Commission, 58
Griffin Waste Services - Contract Amdt for portable toilets & handwashing stations, 66
Griffin Waste Services - Contract with FusionSite Asheville for rental of toilet and handwashing stations, 304
Griffin, Patricia - To be interviewed for School Board, 127

G

Hagarty, Joanna - Reappted to Public Art & Cultural Commission, 329
Haner, Wendy - Appted to Neighborhood Advisory Committee as 28804 rep, 90
Hardesty Lane - Lease with Balsam Gardens of property off Hardesty Lane, 132
Harper Corporation - Change order for Mills River WTP Mis Impvts, 251
Harrahs - Accepted Small Business Administration shuttered venue operators grant for Harrah's, 413
Harrahs - Contract ext with Diakin Applied Americas for Harrah's chiller maint, 412
Harrahs - Contract ext with Diakin Applied Americas for one year for Harrah's Chiller Maint, 32
Harrah's Cherokee Center - Contract with WxProofing for window replacement, 112
Harrison Construction Co - Contract for Asphalt Preservation, 410
Hayes, Michael - Reappted to Citizens-Police Adv Com, 395
Haynes, Brian - Resolution of appreciation for outgoing Council member, 1
Hazen and Sawyer - Contract amdt for Edwin, Celia and Canterbury Drainage Impvts, 9
Health - Contract amdt with Responder Support Svs to expand behavioral health svs to Police & Fire, 42
Hendersonville Road, 1617 - Public hearing for CZ, 423
High Intensity Drug Trafficking Grant - Budget amendment, 317
High Intensity Drug Trafficking Grant - Budget amendment not approved, 256
Historic Resources Commission - Appted Amanda Vollrath, 440
Historic Resources Commission - Appted Georgene Falcon and to readvertise for other seat, 327
Historic Resources Commission - Clerk to readvertise for seat, 395
Hoke, Robert Frances - Appted to Planning & Zoning Commission, 90
Hola Asheville Celebration - Alcohol allowed, 305
HOME - Public hearing on CDBG and HOME funding allocations, 257
HOME - Update Action Plan, 308
HOME – Vote on CDBG and HOME funding allocations, 273
Homeless - Agrmts with HUD for Continuum of Care and HMIS operations, 311
Homeless - Budget amendment for shelters and wrap around services, 287
Homeless - Contracts with Five P Moutain (Ramada Inn), Bhuna Corp, ATL Hospitality, Axis Security and Sunrise Community for Recovery & Wellness for shelters, 287
Homeless - Homeward Bound agrmt for homeless housing apt project, 388
Homeless - MOU with RRI West Management to house homeless during COVID-19, 44
Homeless Initiative Advisory Committee – Reappted Elvia Diaz and appted Sara Coplai and Jason Desai, 58
Homeless Shelter - Contract ext with Ramada Inn, Econolodge and Sunrise Com for Wellness & Recovery, 365
Homeowners Assistance Grant Program - Agrmt with Buncombe County, 377
Homestays - Public hearing continued for UDO amdt to homestay regulations, 79
Homestays - Public hearing continued on UDO amdt regarding homestays, 191
Homestays - Public hearing for UDO amdt regarding homestays continued, 273
Homestays - Public hearing on UDO amendment on homestays continued, 296
Homeward Bound - Agrmt for homeless housing apt project, 388
Homeward Bound - Contract Ext for COVID-19 Shelters, 101
Homeward Bound - Support for their purchase of Days Inn at 201 Tunnel Road, 344
Hooper, Robert - Reappted to Citizens Police Advisory Committee, 327
Hotel Overlay District - Public hearing to apply new Hotel Overlay District to properties, 124
Hotel Overlay District – Vote to apply new Hotel Overlay District to properties, 149
Hotel Standards - Public hearing to amend UDO for new standards regulations hotels, 117

Hotel Standards – Vote to amend UDO for new standards regulations hotels, 146
Housing Authority - Agrmt with Housing Authority, Buncombe Co & City Schools for Internet Svs, 17
Housing Authority - Board membership increased from 5 to 7 commissioners, 369
Housing Trust Fund - The Bryson Group, 55
Housing Trust Funds - Juna Corporation returned funds, 290
Houston St - Public hearing set to close portion of r-of-way at Courtland and Houston, 36
Houston St - Public hearing to close portion of r-of-way at Courtland and Houston, 77
Houston St – Vote to close portion of r-of-way at Courtland and Houston, 108
HUD - Contracts for Continuum of Care and HMIS operations, 311
HUD - Public hearing on CDBG and HOME funding allocations, 257
HUD - Update Action Plan, 308
HUD – Vote on CDBG and HOME funding allocations, 273
Human Relations Commission - Appted Crystal Reid, 328
Human Relations Commission - Appted Tim Collins and Alex Nava, 440
Human Relations Commission - Appted Will Overfelt, Veronica Colt, Brandon Oliver & Alfred Green & postpone other appointments, 58
Human Relations Commission - Reappted Tanya Rodriguez, DeLores Venable and Virginia Coit and appted Emma Worthy, 280
Human Relations Council - Appted David Young, Susy Chandler and Melanie Noyes, 88
Hunter, Kimberly - Appted to Design Review Committee, 279
Hunter, Kimberly - Reappted to Downtown Com, 88
Hutchison, Susan - Appted to Audit Committee, 129
Hyatt Pipeline - Agrmt for Water Neighborhood Enhancement Project Area 6, 179

I-26 Connector - Contract amdt with Sam Schwartz Consulting I-26 Connector design work, 336
Insurance - Revoke Reso 19-185 and purchase of non-health ins policies, 359
Internet Service - Agrmt with Housing Authority, Buncombe Co & City Schools for Internet Svs, 17
IPC Paving - Contract for French Broad River Greenway West Proj, 161
IPC Structures - Contract for French Broad River Greenway West Proj, 161

J Bartholomew Construction - Contract for Public Works Bldg A Roof Proj, 362
Jake Rusher Park - Contract amdt with Carolina Specialties Construction, 70
JCI – HVAC Contract for Broadway Public Safety Station, 133
JLS Company - Contract for Lower Parking Lot Paving Proj, 405
Johnson, Steven Lee - Appted to Design Review Committee, 279
Johnson, Steven Lee - Reappted to Downtown Com, 88
Juna Corporation - Return of Housing Trust Funds, 290
Justice of Assistance - Budget amendment for JAG Grant, 48
Justice of Assistance - Grant app to US Dept of Justice for Edward Byrne JAG Grant, 48

Katterjohn, Karl - Reappted to Citizens-Police Adv Com, 395
Katz, Patricia - Reappted to Multimodal Transportation Com, 59
Kemp, Amy - Reappted to Audit Committee, 218
Kever Logic - Contract with Flashparking for new parking garage equip, 310
Kilgore, Sandra - Announcement of new Council member, 25
Kilgore, Sandra- Appted to Tourism Development Authority, 30
Kledis, John Michael - Reappted to Board of Adjustment as Alternate, 87

Land - Easement with Fifty-Five S Market for footers and accept small parcels of land at Market and Velvet Sts, 314
Land Use Incentive Grant – Public hearing continuance for 101 Charlotte St, 386
Land Use Incentive Grant – Public hearing continued for 101 Charlotte St, 436
Land Use Incentive Grant - Public hearing for 66 Long Shoals Rd, 382
Land Use Incentive Grant - Updated, 353
Land Use Incentive Policy - Amended, 22
Langren Alley - Contract with French Broad Paving for Carolina Lane - Langren Alley Resurfacing, 252
Lead & Copper Rule Revisions - Presentation on City and Customer responsibilities, 345
Lead Education and Prevention Prog - Contract amdt with 120 Water, 360
LEAF Downtown AVL - Alcohol approved for event, 411
Lease - Climbmax for 43 Wall St, 406
Lease - Lease with Balsam Gardens of property off Hardesty Lane, 132
Lease - Lease with T-Mobile South at 300 Merrimon Avenue, 28
Leaven, Tod - Reappted to Noise Ordinance Appeals Board, 329
Legislation - Adopt legislative agenda, 152
Legislation – Requests to delegation to pursue full and/or hybrid modification to selection process for School Board members, 172
Legislation - Update on legislative agenda, 107
Leotek Electronics - Sole source for replacement of LED street fixtures, 250
Liberty St Block Party - Alcohol approved for event, 411
Liberty Street, 63 - Sewer easement to Danridge Giltz, 413
Likis-Werle, S. Elizabeth - Appted to at-large seat on Neighborhood Adv Com, 396
Limited Obligation Refunding Bonds- PH for 2021 Limited Obligation Refunding Bonds, 170
Limited Obligation Refunding Bonds- Set PH for 2021 Limited Obligation Refunding Bonds, 135
Limited Obligation Refunding Bonds- Vote to approve 2021 Limited Obligation Refunding Bonds, 196
Limited Obligation Refunding Bonds- Vote to approve 2021 Limited Obligation Refunding Bonds Bond Order, 196
Lobbyist - Contract with Blanchard, Miller, Lewis & Isley, 178
Local Government Commission - 2021 Special Obligation Refunding Bonds and application to LGC, 135
Local Government Commission - Application for Water Revenue Refunding Bonds, 376
Loftis, Bill - Appted to Multimodal Transportation Commission, ~~440~~ 441
Long Shoals Road, 66 - Public hearing for conditional zoning, 385
Long Shoals Road, 66 - Public hearing for land use incentive grant, 382
Lufty Street - Donate lot to Asheville-Buncombe Community Land Trust, 387
Lufty Street - Donate lot to Asheville-Buncombe Community Land Trust - Donate City lots on Lufty and W Chestnut St, 387

Mach Alert - Sole source for Fire Station 4, 188
Mach Alert Station - Contract for Broadway Public Safety Station, 133
Mach Alert System - Sole Source with Motorola Solutions for radio upgrades at fire stations, 375
Manager's Report – Homeless Encampments, 116
Managers Report - Reparations, 138
Manager's Report - Reparations speaker series update, 320
Managers Report - Reparations, Tropical Storm Fred and Legislation, 421
Manager's Report - Office of Data Management; Police Community & Engagement Division; Reparations, 103
Managers Report - Update, 166
Manager's Report - Update on reparations speaker series and APD, 348
Manager's Report - Update on retreat, 213
Market Street - Easement with Fifty-Five S Market for footers and accept small parcels of land at Market and Velvet Sts, 314
Massey, Donald Shane - Appted to Bd of Electrical Examiners, 326
Mathews, Jane - Appted to Design Review Committee, 279
Mattern & Craig_ - Contract for bundle b sidewalks right-of-way acquisition, 408
Mayes, Bobbette - Appted to the 28803 seat in Neighborhood Advisory Committee, 396
Mayfield, Julie - Resolution of appreciation for outgoing Council member, 2
McDowell, Tony - Appted to Firemen's Relief Fund, 130
McGhee, Ali - Reappted to Public Art & Cultural Commission, 329
McHargue, Jacquelyn - Appted to School Board, 200
McHargue, Jacquelyn Carr - To be interviewed for School Board, 127
Memorial Stadium - Contract with AstroTurf Corp for Turf and Drainage Project, 268
Merrimon Avenue, 280 - Approved loan modification for Mountain Housing Opportunities, 216
Merrimon Avenue, 300 - Lease with T-Mobile South at 300 Merrimon Avenue, 28
Miller, Beverly - Appted to African American Heritage Commission, 86
Mills Gap Road, 70 - Public hearing continued of CZ of 70 Mills Gap Road, 350
Mills River - Change order with CDB Smith for oversite of Mills River WTP Rehab Proj, 313
Mills River Water Treatment Plant - Agrmt with Air Products for liquid oxygen, 332
Mills River Water Treatment Plant - Change order with Harper Corporation for Mills River WTP Mis Impvts, 251
Moffitt, Bryan - Appted to Design Review Committee, 279
Montford Neighborhood Assn - Budget amendment for donation from Rotary Clubs and Montford Neighborhood Assn for bus stop impvts, 286
Moore & Son Site Contractors - Contract for Forest Hill/Caledonia Stormwater Project, 184
Moorecrest Road - Public hearing on vol annexation of property off Oak Hill Circle and Moorecrest Road, 143
Moorecrest Road - Public hearing on zoning of property off Moorecrest Road and Oak Hill Circle, 144
Moorecrest Road - Public hearing set to vol annex property off Oak Hill Cir and Moorecrest Rd, 114
Moorecrest Road – Vote on vol annexation of property off Oak Hill Circle and Moorecrest Road, 171
Moorecrest Road – Vote on zoning of property off Moorecrest Road and Oak Hill Circle, 172
Motorola - Sole Source procurement of radios for Buses, 3
Motorola Solutions - Sole source contract for radio upgrades at fire stations, 375
Mountain Community Capital Fund - Reappted Dee Williams and Lynn Smith, 218
Mountain Community Capital Operating Fund - Appted Carl Alguire, 396
Mountain Housing Opportunities - Approved loan modifications, 216

Mountain Projects - App to FTA for Coronavirus 5310 Grant funds and agrmt with Mtn Projects, 208
MSD - Reappted Gwen Wisler, 89
Multimodal Transportation Commission - Appted Michael Stratton and Maggie Ullman, 89
Multimodal Transportation Commission - Clerk to readvertise for seats, 395
Multimodal Transportation Commission - Consensus to readvertise, 326
Multimodal Transportation Commission - Reappted John Bausone, Kenneth Armstrong and appted Bill Loftis and Karla Furnari, ~~440~~ 441
Municipal Bldg - Contract with Brooks Network Services for cameras, 285
Municipal Climate Action Plan - Contract with AECOM to update Sustainability Mgt Plan into a Municipal Climate Action Plan, 302

National Resource Defense Council - Accept grant for food waste reduction, 417
Natural Resource Defense Council - Grant for Food Policy Action Plan, 72
Nature Center - MOU with Friends of the WNC Nature Center, 404
Nava, Alex - Appted to Human Relations Commission, 440
NC Alliance of YMCA Grant - Application for remote learning site, 12
NC Dept of Environmental Quality - Budget amendment for grant for backyard composting, 162
NC Utlities Commission - City's intervening in NC Utilities Com of Duke's Integrated Resource Plan, 14
NCDOT - Agrmt for signal at Fire Station along Broadway, 288
NCDOT - Reimbursement Agrmt for waterline along Patton Avenue, 372
NCDOT - Sidewalk Maint agrmt for section along Broadway, 361
Neighborhood Advisory Committee - Appted Bobbette Mayes to 28803 seat and S. Elizabeth Likis-Werle to at-large seat, 396
Neighborhood Advisory Committee - Appted Sharon Sumrall and re-advertise for vacant seat, 60
Neighborhood Advisory Committee - Appted Wendy Haner and Peter Abzug, 90
Neighborhood Advisory Committee - Reappted Mike Wasmer and appted Juan Pable Chalarca and to readvertise for other seat, 328
Noise - Amdt to Noise Ord, 391
Noise Ordinance - Update, 346
Noise Ordinance Appeals Board - Reappted Tod Leaven, Wayne Wheeler and Patrick Gilbert, 329
Nondiscrimination - Ord prohibiting discriminatory practices in private employment and public accommodations, 263
Norfork Southern Railroad - Agrmt for The District Sidewalk Project, 2
North Carolina, State - MOA with State for settlement of opioid litigation, 318
Noyes, Melanie - Appted to Human Relations Council, 88

O'Conner, Peyton - Appted to School Board, 200
Oak Hill Circle - Public hearing on vol annexation of property off Oak Hill Circle and Moorecrest Road, 143
Oak Hill Circle - Public hearing on zoning of property off Moorecrest Road and Oak Hill Circle, 144
Oak Hill Circle – Public hearing set to vol annex property off Oak Hill Cir and Moorecrest Rd, 114
Oak Hill Circle – Vote on vol annexation of property off Oak Hill Circle and Moorecrest Road, 171
Oak Hill Circle – Vote on zoning of property off Moorecrest Road and Oak Hill Circle, 172
O'Conner, Peyton - To be interviewed for School Board, 127
Office of Natural Drug Control Policy - Application for High Intensity Drug Trafficking Grant with Executive office of the President, 317
Office of Natural Drug Control Policy - Application for High Intensity Drug Trafficking Grant with Executive office of the President not approved, 256
Oktoberfest - Alcohol approved for event, 411
Old Haywood Road - Accept Powell land at Old Haywood Rd and Eastview Circle, 343
Oliver, Brandon - Appted to Human Relations Commission, 58
Onteora Boulevard, 117 - Condemnation of sidewalk easement at 117 Onteora Blvd, 28
Open Space Standards - Public hearing for amdt to UDO for open space standards continued, 21
Open Space Standards - Public hearing continued for UDO amdt to open space standards, 54
Open Space Standards- Public hearing on UDO amdt for open space standards continued, 292
Opioid - MOA with State for settlement of opioid litigation, 318
Ormond, Tim - Appted to Sustainable Advisory Committee on Energy & the Environment, 91
Overfelt, Will - Appted to Human Relations Commission, 58
Overlook Road - Contract with Patton Construction Group for Sidewalk Proj, 246

Pacifica, Mukunda - Reappted to Civic Center Commission, 327
Pack Square - Contract amdt with WPLaw Fountain Division for Pack Square Fountain Restoration, 98
Pack Square Park - Contract amdt with WPLaw Fountains Division for Splasheville Fountain Project, 367
Parker Poe Adams and Bernstein - Contract for bond counsel, 181
Parking - Contract with Flashparking for new parking garage equip, 310
Parking Citation - Contract ext with Passport Labs, 39
Passport Labs - Parking Citation Management Contract Ext, 39
Patton Avenue - Purchase of waterline easement on Patton Avenue, 378
Patton Avenue - Reimbursement Agrmt with NCDOT for waterline along Patton Avenue, 372
Patton Construction Group - Overlook Rd Sidewalk Proj, 246
PBMares - Audit Contract, 289
Pebble Creek Stream - Contract with Austin Construction & Paving, 158
Penalties - Ord amending Fire Code to impose civil penalties for violations, 46
Permit Fees - Amdt that City capital projs are exempt from permit fees, 204
Philip, Barbara Ann - Appted to Affordable Housing Advisory Com, 86
Pike, Drew - Reappted to Bd of Electrical Examiners, 326
Planning & Zoning Commission - Apptd Robert Frances Hoke, 90
Planning & Zoning Commission - Clerk to arrange interviews for seats, 395
Plymovent - Contract for Broadway Public Safety Station, 133
Police - Amdt to fees & charges ord for alarms, 341
Police - Amdt to police alarms, 341
Police - Application for High Intensity Drug Trafficking Grant with Executive office of the President, 317
Police - Application for High Intensity Drug Trafficking Grant with Executive office of the President not approved, 256
Police - Grant app to US Dept of Justice for Bulletproof Vest Grant, 50
Policy - Adopted Ethics Policy for Boards & Commissions, 339
Policy - Amendment to Land Use Incentive Policy, 22
Policy - Land Use Incentive Grant updated, 353
Policy - Update to purchasing policy, 26
Policy - Updated Fee Rebate Policy, 364
Pool Management - Contract with Swim Club Management Group, 182
Powell - Accept Powell land at Old Haywood Rd and Eastview Circle, 343
Pressure Reducing Valves – Contract with Cooper Construction Co for Pressure Reducing Valve Replacement Proj, 164
Proclamation - City Employee Heroes Day, 65
Proclamation - Juneteenth, 301
Proclamation - Love Asheville, Go Local Month, 112
Proclamation - Pride Month, 301
Property - Accept Powell land at Old Haywood Rd and Eastview Circle, 343
Property - City Mgr authorized to acquire real property interests up to 90,000, 45
Property - Condemnation of sidewalk easement at 117 Onteora Blvd, 28
Property - Donate City lots on Lufty and W Chestnut St to A-B Com Land Trust, 387
Property - Grant agrmt with Dogwood Trust for purchase of 50 Asheland Avenue, 297
Property - Lease with Balsam Gardens of property off Hardesty Lane, 132
Property - Verizon Wireless Master Encroachment Agrmt, 16
Proterra Aftermath Parts - Sole source with Proterra Aftermarket Parts for bus safety protection barriers, 249
Public Art & Cultural Commission - Appted Shirley Whitesides, 219
Public Art & Cultural Commission - Reappted Ali McGhee, Jonanna Hagarty and appted Reggie Tidwell, 329
Public Comment - Various items, 153
Public Comment - Various topics, 131

P

Public Comments - Defund police, Vance Monument, Weaponry for APD, need for equity, 64
Public Hearing - 5-Year consolidated plan for CDBG & HOME, 19
Public Hearing - Amdt to UDO for open space standards continued, 21
Public Hearing - Amend CDBG & HOME Action Plan, 192
Public Hearing - Amend UDO for new standards regulations hotels, 117
Public Hearing - Budget, 322
Public Hearing - Civil Svs Bd Substantive Rules, 83
Public Hearing - Conditional zoning for 66 Long Shoals Road, 385
Public Hearing – Continued CZ of 70 Mills Gap Road, 350
Public Hearing – Continued on LUIG for 101 Charlotte Street, 386
Public Hearing – Continued UDO amdt to open space standards, 54
Public Hearing - CZ for 144 and 159 Riverside Dr, 427
Public Hearing - CZ for 1617 Hendersonville Rd, 423
Public Hearing - CZ for 99999 Glendale Ave, 293
Public Hearing - CZ for 99999 Sand Hill Road, 79
Public Hearing - For 66 Long Shoals Rd, 382
Public Hearing - On CDBG and HOME funding allocations, 257
Public Hearing - PH for 2021 Limited Obligation Refunding Bonds, 170
Public Hearing - Set PH for 2021 Limited Obligation Refunding Bonds, 135
Public Hearing - Set to close portion of 155 Thompson St, 309
Public Hearing - Set to close portion of r-of-way at Courtland & Houston, 36
Public Hearing - Set to close portion of r-of-way known as Trade St, 37, 115
Public Hearing - Set to close portion of r-of-way known as Velvet St, 35
Public Hearing - Set to close r-of-way east of Biltmore Avenue, 101
Public Hearing - Set to close r-of-way near Bellevue Road, 100
Public Hearing - Set to vol annex property off Oak Hill Cir and Moorecrest Rd, 114
Public Hearing - To apply new Hotel Overlay District to properties, 124
Public Hearing – To close portion of 155 Thompson St, 381
Public Hearing - To close portion of r-of-way at Courtland & Houston, 77
Public Hearing - To close portion of r-of-way known as Trade St, 78, 169
Public Hearing - To close portion of r-of-way known as Velvet St, 76
Public Hearing - To close r-of-way east of Biltmore Avenue, 142
Public Hearing - To close r-of-way near Bellevue Road, 141
Public Hearing - UDO amdt continued to homestay regulations, 79
Public Hearing - UDO Amdt for 160D amendments, 294
Public Hearing - UDO amdt for open space standards continued, 292
Public Hearing - UDO amdt regarding homestays continued, 191, 273
Public Hearing - UDO Amdt related to discretionary decisions, 167
Public Hearing - UDO amendment on homestays continued, 296
Public Hearing - Vol Annexation of property off Oak Hill Circle and Moorecrest Road, 143
Public Hearing - Zoning of property off Moorecrest Road and Oak Hill Circle, 144
Public Hearing –Continued for conditional zoning for 101 Charlotte St, 386, 436
Public Hearing –continued for LUIG for 101 Charlotte Street, 436
Public Hearing- CZ for 22 Woodfin St, 431
Public Works - Sole Source with AccuBrine System for salt brine equipment, 248
Public Works Building - Contract with J Bartholomew Construction for Public Works Bldg A Roof Proj, 362
Purchasing - Update to purchasing policy, 26

Raines, Robin - Appted to Design Review Committee, 279
Ramada Inn - Budget amendment for contract with Ramada Inn and Sunrise Community for Recovery & Wellness for homeless shelter, 254
Ramada Inn - Contract amdt for homeless shelter, 365
Ramada Inn - Contract for emergency homeless shelters, 254
Recycling - Contract with Curbside Management, 283
Reed Creek Greenway - Grant to FBMPO for feasibility study, 96
Reems Creek Fire Dept - Agrmt for fire and rescue svs, 414
Reid, Crystal - Appted to Human Relations Commission, 328
Renewable Energy - Agrmt with Buncombe County for joint bid on onsite renewable energy systems, 206
Reparations - Budget amendment, 325
Reparations - Initial funding and budget amendment to fund reparations, 325
Reparations - Manager's Report, 138
Reparations - Update on Manager's Report, 103
Reparations Speaker Series - Manager's Report, 348
Responder Support Svs - Expand behavioral health svs to Police & Fire, 42
Retreat - Date set for City Council, 190
Richmond Hill - Update on Bluff's project, 153
Riverfront Redevelopment Com - Updated roles & responsibilities related to design review, 244
Riverfront Redevelopment Commission - Appted Ben Williamson, 131
Riverfront Redevelopment Commission - Appted Sage Turner, 29
Riverfront Redevelopment Commission - Clerk to readvertise for vacancy, 86
Riverside Drive, 144 and 159 - Public hearing for CZ, 427
Riverside Drive, 99 - Easement with 99 Riverside LLC for loading dock, 340
Rivertop Contracting - Contract ext for median maint impvts, 337
Rodriguez, Guillermo - Appted to Downtown Com, 88
Rodriguez, Tanya - Reappted to Human Relations Commission, 280
Roney, Kim - Appted to Citizens-Police Advisory Com, 30
Roney, Kim - Announcement of new Council member, 25
Rotary Clubs - Budget amendment for donation from Rotary Clubs and Montford Neighborhood Assn for bus stop impvts, 286
RRI West Management - Contract Ext for COVID-19 Shelters, 101
RRI West Management - MOU to house homeless during COVID-19, 44

R

Sam Schwartz Consulting - Amdt for I-26 Connector design work, 336
Sand Hill Road, 99999 - Public hearing for CZ for 99999 Sand Hill Road, 79
Sand Hill Road, 99999 – Vote to approve CZ for 99999 Sand Hill Road, 109
Schlage Door Hardware - Contract for Broadway Public Safety Station, 133
Schland Door Hardware - Contract for Dr. Wesley Grant Sr. Center, 133
Schnable Engineering So - Spillway and Dam Impvts Proj, 31
School Board - Appted George Sieburg, 438
School Board - Clerk to advertise for vacancies, 85
School Board - Confirmation of essay questions to candidates, 151
School Board - Discussion about appointment and interview process, 127
School Board - Motion for 7 candidates for essays and interviews, 151
School Board - Reappted James Carter and appted Jacquelyn McHargue and Peyton O'Conner, 200
School Board – Requests to delegation to pursue full and/or hybrid modification to selection process for School Board members, 172
School Board - Selection Progress & Legislative Info, 107
Section 5310 - App to FTA for Coronavirus 5310 Grant funds and agrmt with Mtn Projects, 208
Security - Contract with Strategic Security Corp at City facilities, 7
Seiburg, George - To be interviewed for School Board, 127
Shiloh - Contract with JLS Company for Lower Parking Lot Paving Proj, 405
Sidewalk Projects - Contract with Mattern & Craig for bundle b sidewalks right-of-way acquisition, 408
Sieburg, George - Appted to School Board, 438
Sinkovic, Crissa Requate - Appted to Civic Center Commission, 130
Sluder, Rick - Appted to Board of Electrical Examiners, 439
Small Business Administration - Accepted shuttered venue operators grant for Harrah's, 413
Smith, Lynn - Reappted to Mountain Community Capital Fund, 218
Smith, Sheneika - Announcement of Vice-Mayor, 26
Software - Contract ext for Cityworks asset mgt software, 186
Solar Edge Photovoltaic Array - Contract for Broadway Public Safety Station, 133
Solar Edge Photovoltaic Array - Contract for Dr. Wesley Grant Sr. Center, 133
Sole Source - Sole Source with AccuBrine System for salt brine equipment, 248
Sole Source - With Leotek Electronics for replacement of LED street fixtures, 250
Sole Source - With Proterra Aftermarket Parts for bus safety protection barriers, 249
Special Obligation Refunding Bonds - 2021 Special Obligation Refunding Bonds and application to LGC, 135
Special Obligation Refunding Bonds- Vote to approve 2021 Limited Obligation Refunding Bonds, 196
Spillway & Dam - Change order with Schnable Engineering So for Impvts Proj, 31
Splasheville - Contract amdt with WPLaw Fountain Division for Pack Square Fountain Restoration, 98
Splasheville - Contract amdt with WPLaw Fountains Division, 367
Strategic Security Corp - Security Svs at City facilities, 7
Stratton, Michael - Appted to Multimodal Transportation Commission as at-large, 89
Street Fixtures - Sole source with Leotek Electronics for replacement of LED street fixtures, 250
Streets - Contract amdt with Rivertop Contracting for median maint impvts, 337
Sulphur Springs - Contract with Appalachian Sitework Inc. for stormwater improvements, 400
Sumrall, Sharon - Appted to Neighborhood Advisory Committee, 60
Sumrall, Sharon - Reappted to Urban Forestry Commission, 91

Sunrise Community for Recovery & Wellness - Budget amendment for contract with Ramada Inn and Sunrise Community for Recovery & Wellness for homeless shelter, 254
Sunrise Community for Recovery & Wellness - Contracts for homeless shelter, 287
Sunrise Community for Wellness & Recovery - Contract extension for homeless shelter, 365
Sustainability Management Plan - Contract with AECOM to update Plan into a Municipal Climate Action Plan, 302
Sustainable Advisory Committee on Energy & the Environment - Appted Tim Ormond, Steven Baron and Kim Austin, 91
Swiftly - Amdt to transit software contract, 69
Swiftly Inc - Contract amdt for real-time bus info software, 4
Swim Club Management Group - Contract for pool management, 182
Symphony in the Park - Alcohol approved for event, 411

Tabb, Wendy - Appted to Board of Adjustment as Alternate, 218
Talbert Lot - Grant agrmt with Dogwood Trust for purchase of 50 Asheland Avenue, 297
Tarheel Paving - Contract for asphalt resurfacing, 271
Terminix - Contract for pest control, 368
Thatcher, Russell - Reappted to Bd of Electrical Examiners, 326
Thompson Street, 155 – Public hearing to close portion of 155 Thompson St, 381
Thompson Street, 155 - Set to close portion of 155 Thompson St, 309
Tidwell- Appted to Public Art & Cultural Commission, 329
T-Mobile South - Lease at 300 Merrimon Avenue, 28
Tourism Development Authority - Appted Sandra Kilgore, 30
Tourism Development Authority - Clerk to arrange interviews, 438
Trade Street - Public hearing set to close portion of r-of-way known as Trade St, 37, 115
Trade Street - Public hearing to close portion of r-of-way known as Trade St, 78, 169
Trade Street – Vote to close portion of r-of-way known as Trade St, 196
Trade Street –Pulled from consideration due to property discrepancy to close portion of r-of-way known as Trade St, 109
Transit - Amdt to contract for transit svs with Young Transportation, 159
Transit - Amdt to Fees & Charges Manual for advertising fees, 400
Transit - Amdt to Swiftly transit software contract, 69
Transit - Amdt to Young Transportation for supplemental transit svs, 5
Transit - App to FTA for Coronavirus 5310 Grant funds and agrmt with Mtn Projects, 208
Transit – Budget amendment for contract amendment for supplemental transit svs, 5
Transit - Budget amendment to accept Coronavirus 5310 Grant Funds, 208
Transit - Budget amendment to increase Sec 5310 Grant, 41
Transit - Contract amdt with Swiftly for real-time bus info software, 4
Transit - FTA grant app for budget amdt for ARPA Sec 5307 Funds, 402
Transit - Grant apps to French Broad MPO for 5310 and 5307 funds, 33
Transit - Ratify and amend contract with Buncombe County for paratransit svs, 415
Transit - With Proterra Aftermarket Parts for bus safety protection barriers, 249
Transit Center - App with FTA for design concept of Transit Center expansion and development of 50 Asheland Ave, 373
Trash Carts - Rental fee for bear-resistant trash carts, 11
Trinity Chapel, 6 - Approved loan modification for Mountain Housing Opportunities, 216
Tunnel Road, 201 - Homeward Bound support for their purchase of Days Inn at 201 Tunnel Road, 344
Turner, Sage - Announcement of new Council member, 25
Turner, Sage - Appted to Downtown Commission, 30
Turner, Sage - Appted to Riverfront Redevelopment Commission, 29

UDO - Public hearing for amdt to UDO for open space standards continued, 21
UDO - Public hearing continued for UDO amdt to homestay regulations, 79
UDO - Public hearing continued for UDO amdt to open space standards, 54
UDO - Public hearing continued on UDO amdt regarding homestays, 191
UDO - Public hearing for UDO amdt regarding homestays continued, 273
UDO - Public hearing on UDO Amdt for 160D amendments, 294
UDO - Public hearing on UDO amdt for open space standards continued, 292
UDO - Public hearing on UDO amendment on homestays continued, 296
UDO - Public hearing to amend UDO for new standards regulations hotels, 117
UDO - Public hearing to apply new Hotel Overlay District to properties, 124
UDO – Vote on UDO Amdt for 160D amendments, 324
UDO – Vote on UDO amdt related to discretionary decisions, 195
UDO – Vote to amend UDO for new standards regulations hotels, 146
UDO – Vote to apply new Hotel Overlay District to properties, 149
Ullman, Maggie - Appted to Multimodal Transportation Commission as bike/ped task force, 89
United for Youth Network - Agrmt, 260
United for Youth Partnership - Presentation, 190
UOD - Public hearing on UDO amdt related to discretionary decisions, 167
Urban Forestry Commission - Reappted Cecil Bothwell, Sharon Sumrall and Perrin de Jong, 91
US Cellular - License agrmt for 57 Crestwood Drive, 331
US Dept of Justice - Grant app for Bulletproof Vest Grant, 50
US Dept of Justice - Grant app for JAG Grant, 48
US Dept of Veterans Affairs - MOU for temporary space for Fire Station 8, 253

Vance Gap Road - Contract with Vaughn & Melton for Vance Gap Rd Slide Project, 370
Vance Monument – Approve demolition & removal of Vance Monument and contract with Chonzie and request for RFP for repurposing the area, 197
Vance Monument - Budget amendment for cost for visioning Vance Monument area, 197
Vance Monument - Task force recommendation to remove monument, 60
Vance Monument - Update on Manager's Report, 103
Vaughn & Melton - Contract for Vance Gap Rd Slide Project, 370
Vaught, Roger - Reappted to Bd of Electrical Examiners, 326
Velvet Street - Easement with Fifty-Five S Market for footers and accept small parcels of land at Market and Velvet Sts, 314
Velvet Street - Public hearing set to close portion of r-of-way known as Velvet St, 35
Velvet Street - Public hearing to close portion of r-of-way known as Velvet St, 76
Velvet Street – Vote to close portion of r-of-way known as Velvet St, 108
Venable, DeLores - Reappted to Human Relations Commission, 280
Verizon - Wireless Master Encroachment Agrmt, 16
Verkada Video Security Cameras – Contract for Broadway Public Safety Station, 133
Verkada Video Security Cameras – Contract for Dr. Wesley Grant Sr. Center, 133
Vice-Mayor – Elected Sheneika Smith, 26
Vollrath, Amanda - Appted to Historic Resources Commission, 440

W. Chestnut St - Donate lot to Asheville-Buncombe Community Land Trust, 387
Waddle, Michael - Appted to Multimodal Transportation Commission, 59
Wall Street, 43 - Lease with Climbmax, 406
Wasmer, Mike - Reappted to Neighborhood Advisory Committee, 328
Water - Agrmt with Hyatt Pipeline for Water Neighborhood Enhancement Project Area 6, 179
Water - Asheville City Schools Foundation and CoThinkk recipient of additional donation of unused and unclaimed water settlement funds, 314
Water - Asheville City Schools Foundation and CoThinkk recipient of donation of unused and unclaimed water settlement funds, 210
Water – Contract with Cooper Construction Co for Pressure Reducing Valve Replacement Proj, 164
Water - Lead & Copper Rule Revisions Presentation on City and Customer responsibilities, 345
Water - Water Revenue Bond approving resolution, 407
Water - Water Revenue Bond Order, 407
Water Revenue Refunding Bonds - Application to LGC, 376
Water Treatment Plant - Change Order with BioNomic Services for Sludge Removal, 97
Webb, Carter - Reappted to Civil Service Board, 279
Wesley Grant Sr. Center - Contracts with Verkada Video Security Cameras, Yale Lock Hardware, JCI HVAC and Solar Edge Photovoltaic Array, 133
West, Sharon - Appted to ABC Board, 87
Western Carolian Rescue Ministries - Contract extension for Code Purple, 136
Western Carolina Rescue Ministries - Accept grant from Dogwood Health Trust for Code Purple, 211
Western Carolina Rescue Ministries - Contract for Code Purple, 71
Wheeler, Wayne - Reappted to Noise Ordinance Appeals Board, 329
White Fawn Drive - Public hearing set to close r-of-way east of Biltmore Avenue, 101
White Fawn Drive - Public hearing to close r-of-way east of Biltmore Avenue, 142
White Fawn Drive – Vote to close r-of-way east of Biltmore Avenue, 171
Whitesides, Shirley - Appted to Public Art & Cultural Commission, 219
Wicked Halloween 5K and Fun Run - Alcohol approved for event, 411
Wilczynski, Paul - Reappted to Board of Adjustment as Regular, 87
Williams, Dee - Reappted to Mountain Community Capital Fund, 218
Williamson, Ben - Appted to Design Review Committee, 279
Williamson, Ben - Appted to Riverfront Redevelopment Commission, 131
Wilma Dykeman Greenway - Name change from French Broad River East Bank Greenway to Wilma Dykeman Greenway, 180
Wisler, Gwen - Reappted to MSD Board, 89
WNC Landscaping - FY 2021 Downtown Cleaning, 42
Woodfin Street, 22 - Public hearing for CZ, 431
Woodward, Brandy_ - Appted to Affordable Housing Advisory Committee, 278
Worthy, Emma - Appted to Human Relations Commission, 280
WPLaw Fountain Division - Contract amdt for Pack Square Fountain Restoration, 98
WPLaw Fountains Division - Contract Amdt for Splasheville Fountain, 367
WxProofing - Contract for Harrah's Cherokee Center window replacement, 112

Yale Lock Hardware - Contract for Dr. Wesley Grant Sr. Center, 133
Young Transportation - Amdt for transit svs, 159
Young Transportation - Amdt to Young Transportation contract for supplemental transit svs, 5
Young, David - Appted to Human Relations Council, 88
Young, Keith - Resolution of appreciation for outgoing Council member, 2
Zoning - Public hearing on zoning of property off Moorecrest Road and Oak Hill Circle, 144
Zoning – Vote on zoning of property off Moorecrest Road and Oak Hill Circle, 172

Tuesday – November 10, 2020 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

CHANGE TO AGENDA

Mayor Manheimer said that before we begin with the agenda, she announced that New Business item B is removed from the agenda. This is the proposed reparations resolution. She was asked by more than a majority of Council to remove the proposed reparations resolution from tonight's agenda. Council remains unanimously committed to the previously passed reparations resolution. But, we need time to chart a path forward on reparations. So, before the Council begins considering specific initiatives, more than a majority of Council asked that we pull the proposed funding resolution from tonight's agenda in order to have time to schedule a council worksession, with the new council, to develop a road map for how to proceed with the implementation of the already adopted reparations resolution. This work session will be scheduled in the very near future. This will allow Council to set aside time solely dedicated to a discussion around reparations, which we haven't yet had, to discuss, in-depth, how to move forward. Let me reiterate that Council remains unanimously supportive of the reparations resolution already adopted, but more than a majority of Council requested that this item be removed from tonight's agenda so we have time to first develop a roadmap for moving forward. She has asked the City Manager to schedule a worksession for the new Council to have this necessary discussion and provide direction to the staff. Since the agenda item regarding funding for a reparations fund has been pulled, those who signed up in advance to speak on that item will have the opportunity to sign up and speak when it reappears in the future, or we will be happy to add you to Informal Discussion & Public Comment this evening.

I. PROCLAMATIONS:

RESOLUTION NO. 20-209 - RESOLUTION OF APPRECIATION TO BRIAN HAYNES

Mayor Manheimer read the resolution.

Resolution No. 20-209 was adopted by acclamation.

Councilman Haynes made a brief statement regarding his term on City Council and his wishes for the community's future.

Mayor Manheimer thanked Councilman Haynes for his service to Asheville and acknowledged his receipt of the appreciation resolution, a plaque, and a City pen.

RESOLUTION BOOK NO. 42 - PAGE 23

RESOLUTION NO. 20-210 - RESOLUTION OF APPRECIATION TO JULIE MAYFIELD

Mayor Manheimer read the resolution.

Resolution No. 20-210 was adopted by acclamation.

Councilwoman Mayfield made a statement regarding her term on City Council and the numerous projects that have been accomplished during her tenure.

Mayor Manheimer thanked Councilwoman Mayfield for her service to Asheville and acknowledged her receipt of her appreciation resolution, a plaque, and a City pen.

RESOLUTION BOOK NO. 42 - PAGE 24

RESOLUTION NO. 20-211 - RESOLUTION OF APPRECIATION TO KEITH YOUNG

Mayor Manheimer read the resolution.

Resolution No. 20-211 was adopted by acclamation.

Councilman Young made a brief statement regarding his term on City Council and expressed gratitude to staff and the community who helped him be a voice for everyone.

Mayor Manheimer thanked Councilman Young for his service to Asheville and acknowledged his receipt of his appreciation resolution, a plaque, and a City pen.

RESOLUTION BOOK NO. 42 - PAGE 25

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 27, 2020

B. RESOLUTION NO. 20-196 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORFOLK-SOUTHERN RAILROAD (NSRR) TO ALLOW CONSTRUCTION OF "THE DISTRICT" SIDEWALK PROJECT WITHIN NSRR RIGHT-OF-WAY

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with the Norfolk-Southern Railroad (NSRR) in the amount of $105,583 to allow construction of The District sidewalk project within NSRR right-of-way.

Background:

- On October 27, 2020, the City Council authorized the City Manager to enter into a contract with Moore & Son Site Contractors, Inc. of Mills River, North Carolina (Moore & Son) to construct The District Sidewalk Project.
- The District sidewalk project includes construction of:
    - sidewalk,

  - ADA sidewalk ramps,
  - a raised pedestrian crosswalk,
  - high-visibility crosswalk lines, and associated components.
- A portion of the project occurs within NSRR right-of-way, which necessitated NSRR review and approval of the construction plans for the work within NSRR right-of-way.
- Approval of the work within the NSRR right-of-way includes the City signing an agreement to reimburse NSRR's administrative, engineering review, hardware upgrades, construction of the crossing within the railroad right of way, and safety personnel costs.
- NSRR estimates these costs as approximately $105,583.
- City staff will attempt to structure the timeline of the sidewalk project so as to reduce the City's costs to NSRR, thereby minimizing the time NSRR personnel is on-site.
- Construction of the entire sidewalk project is scheduled to be 120 days with an expected construction start of December 1, 2020.

Vendor Outreach Efforts:
- N/A

Council Goal(s):
- Transportation and accessibility

Committee(s):
- None

Pro(s):
- Improved connectivity and accessibility for the neighborhoods surrounding The District apartment complex.

Con(s):
- Construction will be disruptive to adjacent residences.
- Efforts will be made to minimize disruptions.

Fiscal Impact:
- Funding for project costs associated with this agreement were planned as a part of GO Bond pedestrian accessibility investments.
- The total maximum cost of this contract is $105,583.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville an agreement with NSRR in the amount of $105,583.

RESOLUTION BOOK NO. 42 - PAGE 1

C. RESOLUTION NO. 20-197 - RESOLUTION AUTHORIZING THE CITY PURCHASING MANAGER TO PROCURE NEW RADIOS THROUGH MOTOROLA FOR ASHEVILLE RIDES TRANSIT OPERATIONS USING SOLE SOURCE PROCUREMENT

Action Requested: Adoption of a resolution authorizing the City Purchasing Manager to procure new radios through Motorola Solutions, Inc. for Asheville Rides Transit (ART) operations using sole source procurement as permitted under N. C. G. S. 143-129(e)(6).

Background:

- During September 2020, Motorola Solutions, Inc. notified the City that the transit system's existing on-board and handheld radios will no longer be serviced because they have exceeded their 10-year service life.
- A sole source procurement through Motorola Solutions, Inc. is needed to ensure compatibility with existing transit operations equipment and other City of Asheville radio equipment.
- Motorola Solutions, Inc. has provided a quote with an estimated total project cost of $158,098.20.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Replaces equipment that has exceeded its 10-year service life.
- The new equipment is expected to have a 10-year service life.
- Ensures continuous communication between ART's drivers and dispatchers including emergency situations.
- Federal Funds will provide 80% of the project cost.

Con(s):
- None

Fiscal Impact:
- The total purchase cost is $158,098.20.
- An existing FTA grant will be used to fund 80% ($126,478.56) of the purchase and the Transit Capital Fund budget will be used to provide the 20% match ($31,619.64).
- Both the grant and the City match are already budgeted in the Transit Capital Fund.

Motion:
- Motion to adopt a resolution authorizing the City Purchasing Manager to procure new radios using sole source procurement through Motorola Solutions, Inc. for Asheville Rides Transit (ART) operations.

RESOLUTION BOOK NO. 42 - PAGE 2

D. RESOLUTION NO. 20-198 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE CONTRACT WITH SWIFTLY, INC. FOR REAL-TIME PREDICTION TRANSIT INFORMATION SOFTWARE

Action Requested: Adoption of a resolution authorizing the City Manager to ratify and amend the agreement with Swiftly, Inc., for Transit Real-Time Passenger Information services to exercise the option to renew for years three (3) and four (4) of the contract, through December 16, 2022, and increase the contract amount by $110,743 for a total amount of $179,922.10 to cover expenses for those years.

Background:
- On September 17, 2018, the City entered into a Service Contract with Swiftly, Inc. to provide Transitime Real-Time Passenger Information services for the Asheville Rides Transit system.

- The original budget for the Transitime Real-Time Passenger Information services for FY 2018 (September 1, 2018 to September 1, 2019) was $38,180 for Year 1 of the Service contract, with the option to renew for three additional years.
- The City exercised the option for year two of the contract and paid $30,999 for services rendered.
- Staff is requesting approval to increase the contract amount by $110,743 for year three and year four of the contract for a total contract amount of $179,922.10.
- The cost for years three and four are expected to be $52,902.00 and $57,841.10, respectively.
- The costs for each of these years has increased from year one and two due to increased fleet size, as well as the addition of several operational modules intended to improve on-time performance monitoring for drivers and staff, and improved scheduling software.
- The total amount of the contract with these changes exceeds the execution authority of the City Manager.
- Staff is requesting that the City Manager be authorized to execute the agreement including the original agreement of the total contract amount for the provision of Transitime Real-Time passenger services through December 16, 2022.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Ensures sufficient funding is available to pay for services as required by contractual agreement.
- Assures the City is able to pay for services rendered for FY 2021 and for FY 2022.
- The additional modules being purchased will greatly enhance the data collection and monitoring of key transit operational performance measures and will allow City and ART staff to make better data-based decisions to improve route performance.

Con(s):
- Increased cost of annual contract services.

Fiscal Impact:
- Funding for year three of the contract is already included in the adopted FY 2021 Transit Services Fund budget. Funding for year four will be included in the recommended FY 2022 Transit budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to ratify and amend the agreement with Swiftly, Inc., for Transit Real-Time Passenger Information services to exercise the option to renew for years three and four of the contract through December 16, 2022 and increase the contract amount by $110,743 for a total amount of $179,922.10 to cover expenses for those years.

RESOLUTION BOOK NO. 42 - PAGE 3

E. RESOLUTION NO. 20-199 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE YOUNG TRANSPORTATION CONTRACT UNTIL APRIL 30, 2021, TO CONTINUE TO ADDRESS PUBLIC TRANSPORTATION PASSENGER CONCERNS

6

ORDINANCE NO. 4838 - BUDGET AMENDMENT FROM THE FEDERAL TRANSIT ADMINISTRATION CARES ACT FUNDS

Action Requested: Adoption of a resolution and budget amendment authorizing the City Manager to amend the contract with Young Transportation for supplemental transit service by increasing the contract amount by $560,000, from $962,000 for a total of $1,522,000 and extending the contract term to April 30, 2021.

Background:

- The City received $3,668,469 amount of CARES Act funding to assist with providing transit services during the pandemic.
- COVID-19 pandemic has impacted ART operations significantly in the number of drivers available to provide service, bus capacity, additional cleaning and providing the necessary safety for drivers and passengers.
- The lack of drivers and 60% cut to bus capacity resulted in having to cut routes and passengers being left behind frequently as buses reached the 10-person limit quickly, particularly during peak hours.
- In response to these issues, on May 26, 2020, the City Council awarded a contract to Young Transportation for $962,000 to provide supplemental transit service support by using additional buses and drivers from Young Transportation to pick up stranded passengers and to supplement ART driver numbers.
- The original contract anticipated using four Young Transportation buses for 12-hours per day seven days per week from June 1, 2020 to December 31, 2020.
- Starting June 1st, staff realized that four Young Transportation buses were insufficient to meet the needs of the riders.
- The City requested that Young Transportation provide three more buses and drivers to help drive routes and pick up stranded passengers.
- The current limited number of riders on the bus is 13 plus the driver.
- At this time, the City continues to utilize four Young Transportation buses and drivers at a cost of approximately $36,000 per week.
- At this rate of expenditure, the original $962,000 in the contract will be depleted by approximately the third week of November.
- Staff is recommending increasing the contract with Young Transportation by $560,000 to be paid from CARES Act funds remaining.
- The $560,000 will provide at least 15 additional weeks (through 1st week of March) of Young Transportation service at the current four bus level.
- This will leave a balance of $423,167 of CARES Act Funding to use for other needs.
- Congress has not passed any additional COVID-19 relief funding packages.

Vendor Outreach:

- The original Bid Invitation was posted on the North Carolina Historically Underutilized Business (HUB) website and staff contacted seventeen businesses via email that are registered as HUB businesses and/or Disadvantaged businesses. Additional vendor outreach to local transportation companies was also conducted. No bids were received by disadvantaged or minority businesses.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Adding an additional $560,000 to the Young Transportation contract will provide an additional 15 weeks of supplemental service; this amount is expected to last through the first week of March at the current four supplemental bus level.

Con(s):

- The City has spent nearly $2.6 M of its $3.68 M in CARES Act funds.
- Staff is not aware of any additional funding that will be available for transit.
- The City is currently spending approximately $36,000 per week on the Young supplemental service and will run out of CARES Act funding before the end of the fiscal year.

Fiscal Impact:

- No City funds are being used to provice the supplemental service through Young Transportation at this time.
- CARES Act funds are being used.
- If this expenditure is approved by City Council, the balance in the CARES Act funding will be $423k.

Motion:

- Adoption of a resolution and budget amendment authorizing the City Manager to amend the contract with Young Transportation for supplemental transit service by increasing the contract amount by $560,000, from $962,000 to $1,522,000 and extending the contract term to April 30, 2021.

RESOLUTION BOOK NO. 42 - PAGE 4
ORDINANCE BOOK NO. 33 - PAGE 187

F. RESOLUTION NO. 20-200 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STRATEGIC SECURITY CORP TO PROVIDE SECURITY SERVICES AT MULTIPLE CITY FACILITIES

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Strategic Security Corp. in the amount not to exceed $250,000 for a period of one year and to execute four, one-year renewal options with no more than a 3% annual increase in the cost of the contract to provide security services for no more than five consecutive years.

Background:

- The City Hall Operations (CHO) Division of the Capital Projects Department provides a variety of functions including overseeing security services at the Public Works and City Hall Buildings.
- The firm GuardOne previously provided security guard services at a cost not to exceed $140,000 per year. The hourly rate charged by GuardOne was $17.70 per hour. Strategic Security Corp charges $22.66 per hour. In addition, a guard was added last winter at Public Works to provide full time consistent coverage during all hours of operation.
- A Request for Proposals (RFP) was issued recently requesting proposals and costs for providing Security Guard services.
- Scoring of the proposals was based upon a weighted combination considering qualifications and costs. The recommendations were not based exclusively on the lowest cost. The use of the following criteria ensured that the overall approach to work was best suited to meet the City's needs and not just the lowest bid.
    - Evaluations were based upon the below weighted categories

    - Development of Team 25%
    - Portfolio Summary 15%
    - Approach to work weighted at 20%.
    - Proposed cost has a 40% weighting.
- Six companies submitted proposals and costs. Using a weighted scoring system, Martin Edwards & Associates scored the best, but was unable to meet the needs of the City. Strategic Security Corp. scored second highest and is being recommended as the service provider.
    - Martin Edwards & Associates - Linden NC - 8.69
    - Strategic Security Corp - Commack NY (Local Charlotte North Carolina Branch) - 8.52
    - GuardOne Security - HQ Lawrenceville GA (Local branch Matthews NC) - 8.51
    - Allied Universal Security Services - HQ Conshohocken, PA (Local branch Charlotte, NC) - 8.39
    - SAKOM -- HQ Appleton WI (Local branch Greenville SC) - 8.13
    - Global Guardian - McLean VA - 4.56
- The transition of these service providers occurred at the time of the reopening of city facilities during the COVID-19 pandemic and due to unexpected complications with another contractor which resulted in an interim contract.
- There will be an expected annual increase to the cost of the contract of 3%.

Vendor Outreach Efforts:

- Staff performed outreach through solicitation processes using the State's Interactive Purchasing System.
- Strategic Security Corp is a certified female-owned business out of New York with a local branch in Charlotte, North Carolina.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Provides security for both staff and visitors
- Consistent security services at multiple buildings
- Flexibility to add additional staff if security needs change

Con(s):

- Security personnel will be learning about the security of City facilities in a transition period while COVID still impacts facility activity.
- Annual costs show an increase of $110,000 compared to the prior contract.

Fiscal Impact:

- The current adopted General Fund budget included $140,000 to continue the prior security contract.
- Funding needed to cover the higher costs in the current year will come from vacancy savings in the Capital Project Department.
- The contract is contingent on budget appropriations to cover the costs in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Strategic Security Corp in the amount not to exceed $250,000 for a period of one year and to execute four, one-year renewal options with no more than a 3% annual increase in the cost of the contract to provide security services for no more than five consecutive years.

RESOLUTION BOOK NO. 42 - PAGE 5

G. RESOLUTION NO. 20-201 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A CONTRACT AMENDMENT WITH HAZEN AND SAWYER P.C. FOR THE EDWIN PLACE, CELIA PLACE, AND CANTERBURY DRIVE DRAINAGE IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute Contract Amendment #3 with Hazen and Sawyer, P.C. in the additional amount of $97,833.58 for a total contract amount of $783,813.58 and to enter into change orders, if needed, not to exceed a contingency amount of $117,572.00 (15%) for a total professional services budget of $901,385.58 for the Edwin Place, Celia Place, and Canterbury Drive Drainage Improvements Project (Contract Amendment #3).

Background:

- The original contract amount for the project was $602,000.
- Amendment 1 did not increase the contract amount.
- With Amendment 1, the scope of Floodplain Impact Documentation was reduced, and additional Landscape Architect services and additional survey of the Charlotte Street area were added.
- Amendment 2 increased the contract amount to $685,980, within the total project budget.
- That Amendment extended the pipe system improvements to the existing Murdock Avenue outfall, with associated regulatory documentation for the extension, additional grading and drainage plans and additional meetings with property owners and agencies for buy-in, as well as permitting additional scope items.
- This Amendment (Amendment 3) will increase the current contract amount to $783,813.58.
- Amendment 3 divides the project into a third construction phase and includes additional documentation of decisions made regarding the basin and design analysis.
- A third plan and construction phase allows the project to be constructed in a sequence that makes more sense for the neighborhood and builds upon the benefits from the other two phases.
- There are significant drainage and flooding issues along the project corridor from Canterbury Drive, Sunset Parkway, Celia Place, Edwin Place and Murdock Avenue.
- This project will create improvements in flood storage capacity and conveyance in this area.
- The RFQ for this project was advertised on May 20, 2016, with Statements of Qualifications received on June 9, 2016.
- Thirteen (13) consulting firms submitted Statement of Qualifications. Qualifications were reviewed and Hazen and Sawyer, PC. was selected as the best qualified firm.
- The Contract was entered into between the City of Asheville and Hazen and Sawyer, P.C. on January 5, 2017.
- The Stormwater Division has spent an extensive amount of time on Public Outreach and working with property owners in obtaining Stormwater Easements.
- Negotiation and acquisition of the easements for Phase 1 and Phase 2 are complete, but the complexity of the project and participation from these property owners have caused project design delay.

- Construction for Phase 1 has an anticipated start date next Summer in FY22, with a 12 month construction period. Phase 2 will start immediately after in FY23 with 12 months for construction, and Phase 3 will begin afterwards, in FY24 with 12 months for completion.

Vendor Outreach Efforts:

- The City of Asheville RFQ informed all bidders of the policy to (1) provide minority and women-owned businesses (MWB) firms an equal opportunity to participate in all aspects of their contracting and procurement programs and (2) to prohibit any and all discrimination against persons or businesses in pursuit of these opportunities.
- All bidders were required to provide a statement indicating how outreach was to be performed, and the selected firm would be required to provide documentation indicating their outreach efforts.
- Staff performed outreach to MWB businesses through solicitation processes which included posting on the State's Interactive Purchasing System and the City of Asheville website.
- Past engineering firms who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- Hazen and Sawyer indicated good-faith efforts to identify and incorporate MWB companies for partnering on the project.
- Hazen and Sawyer contracted with a minority-owned firm to perform geotechnical investigations for the project.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- The contract amendment will allow Hazen and Sawyer to divide the project into an additional phase of construction, to include design and construction administration as well as additional downstream analysis to verify project impact and improvement to the drainage basin.
- The capacity of the existing stormwater system will be increased to allow passage of larger storm events safely through the system. Detention and water quality elements will be added along the corridor to offset any increases in pipe flow due to improvements in the drainage system.
- The project will provide a conveyance system that is sustainable and decreases flooding to surrounding homes and property.
- The project also provides an improvement to public safety because roadways will be less likely to flood, allowing passage of traffic and emergency vehicles.

Con(s):

- Construction may be disruptive to nearby residences and through traffic.
- Efforts will be made to notify the public and minimize disruptions.

Fiscal Impact:

- Funding for this contract is already budgeted in the Stormwater Utility Fund Capital Improvement Program.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with Hazen and Sawyer, P.C. in the amount of $97,833.58 and to enter into

change orders to this contract, if needed, not to exceed a contingency amount of $117,572.00 (15%) for a total project budget of $901,385.58 for the Edwin Place, Celia Place, and Canterbury Drive Drainage Improvements Project (Contract Amendment 3).

RESOLUTION BOOK NO. 42 - PAGE 6

H. ORDINANCE NO. 4839 - ORDINANCE AMENDING THE FISCAL YEAR 2020-21 FEES & CHARGES MANUAL TO INCLUDE A BEAR-RESISTANT TRASH CART FEE

Action Requested: Adoption of an ordinance amending the fees and charges manual for Fiscal Year (FY) 2020-21 to establish a fee of a $10 per month upcharge for the rental of a bear-resistant trash cart.

Background:

- More than a third of the calls that the NC Wildlife Resources (NCWRC) receives about bears statewide come from Buncombe County.
- Asheville residents are experiencing an increase in human-bear interactions and there are safety risks associated with these increasing issues.
- City residents file numerous complaints with the City regarding bears getting into their trash. One Buncombe County resident was injured in 2018 in a bear interaction involving a trash cart.
- Residents have frequently requested that the City provide bear-resistant trash carts.
- Securing garbage is identified as one of the top ways to reduce human-bear interactions and resulting problems.
- Fully-automated bear resistant carts that stay locked until the collection truck empties them are very expensive to order individually, so a bulk purchase is more economical.
- It is also important that bear resistant carts are compatible with City of Asheville (COA) collection vehicles.
- Sanitation staff recommends that the City provide uniform, tested carts to residents to limit problems. If the City owns the carts, Sanitation can handle any cart damage through its warranty with the vendor.
- The City cannot be liable for damage to bear carts that individuals have purchased.
- BearWise research shows more success in bear cart programs when residents financially invest in some way.
- BearWise is a program developed by bear experts in the southeastern United States that shares ways to prevent conflicts, provides resources to resolve problems, and encourages community initiatives to keep bears wild.
- A one-year rental commitment prevents residents from requesting cart swaps during down times for bears.
- Staff recommends offering bear carts at the recommended rental fee for the pilot program.
- If the program is successful, staff recommends that Council consider using future revenues from the rental program to support provision of bear carts for lower-income residents through a rebate program.

Vendor Outreach Efforts:

- Bear-resistant carts are a new technology and are specialized products with limited options.
- NCWRC and Sanitation staff tested numerous varieties and have chosen to purchase the cart that is most consistently effective with Sanitation collection trucks, most effective at keeping bears out, and most user friendly.
- The cart is available for purchase on the Omnia cooperative contract.

Council Goal(s):
- Clean & Healthy Environment

Committee(s):
- None

Pro(s):
- Provides a solution to residents who are experiencing negative bear interactions and incidents with their trash.
- Protects human life and wildlife, and prevents waste management and litter issues for residents and the community.
- Residents will have access to bear resistant carts at a reasonable cost and that function with COA waste collection equipment.
- Residents will not experience their trash being scattered over the neighborhood by bears regularly, and potentially dangerous human-bear interactions may be prevented.

Con(s):
- Residents will have to pay the $10 monthly upcharge for a bear-resistant trash cart.
- Availability of carts will be on a first-come, first-served basis for the duration of the pilot program.
- The pilot order of bear-resistant trash carts is limited to the number of carts that can be purchased from available funding in the Sanitation Division's FY 2020-21 operating budget.

Fiscal Impact:
- The pilot order of bear-resistant trash carts will be funded from the Sanitation Division's FY 2020-21 operating budget.
- This funding allows for a purchase of 340 bear-resistant carts for $220 each plus shipping and tax for a total of $81,052.50.
- The proposed monthly fee is $10/month upcharge (one year minimum) for a bear-resistant cart.
- With full participation, the program could generate revenue of $3,400/month, resulting in a return on investment within approximately two years.

Motion:
- Motion to adopt an ordinance amending the fees and charges manual for Fiscal Year 2020-21 to establish a fee of $10 per month upcharge for the rental of a bear-resistant trash cart.

ORDINANCE BOOK NO. 33 - PAGE 188

I. **RESOLUTION NO. 20-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT, AND ACCEPT IF AWARDED, FROM THE NORTH CAROLINA'S ALLIANCE OF YMCA'S REMOTE LEARNING SITE GRANT FUND TO FACILITATE REMOTE LEARNING OPPORTUNITIES DURING THE COVID-19 PANDEMIC**

ORDINANCE NO. 4840 - BUDGET AMENDMENT TO ACCEPT GRANT FROM THE NORTH CAROLINA'S ALLIANCE OF YMCA'S REMOTE LEARNING SITE GRANT FUND TO FACILITATE REMOTE LEARNING OPPORTUNITIES DURING THE COVID-19 PANDEMIC

Action Requested: Approval of a resolution to apply for and accept funds from the NC Alliance of YMCA's Remote Learning Site Grant; and adopt a budget amendment in the Special Revenue Fund in the amount of $431,338 to fund the Recreate and Educate Program.

Background:

- The NC Alliance of YMCA's are responsible for the distribution of federal CARES Act relief funding to agencies providing remote learning sites as appropriated through HB 1105, Coronavirus Relief Act 3.0.
- On October 19, 2020, the NC Alliance of YMCA'S announced that 116 organizations statewide with 287 remote learning sites have been approved for the remote learning site grant.
- Together these organizations will serve about 14,000 students across the state.
- Per the legislation, the NC Alliance of YMCAs, with the YMCA of the Triangle as its fiscal agent, is administering the grant program that enables NC YMCAs, YWCAs, Boys and Girls Clubs, county and municipal parks and recreation departments, and qualifying CBOs in North Carolina to apply for funding to facilitate remote learning opportunities during the COVID-19 pandemic.
- The City of Asheville has an opportunity to apply for the reimbursement grant to cover expenses related to the planning and providing of remote learning support between September to December, as this support is only being provided because of COVID-19.
- Reimbursable expenses to operate the remote learning sites from September to December are $431,338.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Reimbursement of funds to support the Recreate and Educate program during COVID-19

Con(s):

- None

Fiscal Impact:

- Reimbursement of $431,338 from the NC Alliance of YMCAs to facilitate remote learning opportunities.
- There is no required City match for this grant.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for, and accept funding from the NC Alliance of YMCA the grant and a budget ordinance amendment in the Special Revenue Fund in the amount of $431,338 to fund the Recreate and Educate Program.

RESOLUTION BOOK NO. 42 - PAGE 7
ORDINANCE BOOK NO. 33 - PAGE 190

J. ORDINANCE NO. 4841- BUDGET AMENDMENT TO BUDGET POLICE BUNCOMBE COUNTY ANTI-CRIME TASK FORCE FUNDS

Action Requested: Adoption of a budget amendment in the amount of $141,208.44 in the Special Revenue Fund to establish an expenditure budget for funds already received by the City.

Background:

- The funds are the result of Federal seizures secured as the result of a joint task force with the Buncombe County Sheriff's office.
- In July 2018 the rules changed and Federal seizures could no longer be distributed to task forces (ie. BCAT), but only to the member agencies.
- From that time on, APD began receiving its share of BCAT forfeitures at the Department level.
- There was an agreement forged between the County and APD as to how to disperse the funds in the existing BCAT account of which the County served as the fiduciary.
- There was a percentage agreement reached between the County and APD, and funds were transferred to APD in the amount of $141,208.44.
- APD intends to use a portion of these funds as part of a fire-arm trade in initiative and they are currently working with the Purchasing Division.
- Additionally they plan to have the ability to access these funds for other future initiatives as needed.
- In order to spend the funds that have been received, a budget amendment is required in the City's Special Revenue Fund.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Provides expenditure authorization for funding that has already been received by the Asheville Police Department (APD).

Con(s):

- None.

Fiscal Impact:

- This budget amendment does not include a local match so there is no impact to the City's General Fund budget.

Motion:

- Motion to adopt a budget amendment in the amount of $141,208.44 in the Special Revenue Fund to establish an expenditure budget for funds already received by the City.

ORDINANCE BOOK NO. 33 - PAGE 191

K. RESOLUTION NO. 20-203 - RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FORMALLY INTERVENE IN THE NORTH CAROLINA UTILITIES COMMISSION DOCKET E-100 SUB 165 DUKE ENERGY'S 2020 INTEGRATED RESOURCE PLAN

Action Requested: Adoption of resolution authorizing the City Attorney to formally intervene in the North Carolina Utilities Commission Docket E-100 Sub 165 of Duke Energy's 2020 Integrated Resource Plan if deemed appropriate by City staff.

Background:

- Every two years Duke Energy submits an Integrated Resource Plan (IRP) to communicate strategies for delivering reliable electricity at the lowest cost (typically a 10 to 20 year horizon).
- This is the first IRP that has been published since the City adopted a 100% renewable energy goal.

- The IRP models potential pathways to accelerate renewable energy deployment but reform of state policy is required. This is an opportunity to advocate for such reform.
- The North Carolina Utilities Commission (NCUC) hosts statutory IRP reviews for approval.
- To participate, the City must petition to become a formal intervenor by demonstrating standing.
- Intervention in the review allows the City to help shape the process and the final IRP content, potentially accelerating the transition to renewable energy in our utility territory.
- NCUC tends to give greater weight to public comments provided through this more formal intervention process, so the City's participation is critical to advance efficiency and renewable generation strategies aligned with our policies.
- The City of Asheville's Moving to 100% - Renewable Energy Transition Pathways Analysis identifies the need to participate in State and Utility actions to achieve the City's renewable energy goals.
- Sustainability staff have conferred with the City's Legal Department regarding filing an intervention petition and have determined that Legal has the ability to assist.
- City staff will continue to review the IRP with Duke Energy to determine if it is appropriate to file the petition.

Vendor Outreach Efforts:

- Not applicable

Council Goal(s):

- Equitable and Diverse Community
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Supports Resolution 17-104 Encouraging a State Goal of 100% Renewable Energy by 2050.
- Supports Resolution 18-279 Establishing a 100% Renewable Energy Goal for the City of Asheville.
- Supports Resolution 16-64 Establishing the Energy Innovation Task Force which is an on-going partnership between Buncombe County, City of Asheville and Duke Energy Progress for the purpose of researching, prioritizing, recommending and implementing recommendations to create renewable energy opportunities.
- Supports Resolution 20-18 Establishing the Creation of the Blue Horizons Community Council.
- Intervention will give the City an opportunity to promote the success of the existing partnership efforts with Duke Energy and Buncombe County through the Blue Horizons Project and Climate Collaborative.
- Action prioritized in Moving to 100% Renewable Energy Roadmap.
- The City is benefiting from free technical assistance from the Rocky Mountain Institute that will ensure the City's comments advocate for policies and practices that align with our renewable energy goal.
- The Rocky Mountain Institute is a nonprofit that engages businesses, communities, institutions, and entrepreneurs to accelerate the adoption of market-based solutions that cost-effectively shift from fossil fuels to efficiency and renewables.

Con(s):

- This will consume staff time to file the petition to intervene, draft comments, and monitor the docket.

16.

Fiscal Impact:
- None anticipated

Motion:
- Motion to adopt a resolution authorizing the City Attorney to formally intervene in the North Carolina Utilities Commission Docket E-100 Sub 165 of Duke Energy's 2020 Integrated Resource Plan if deemed appropriate by City staff.

RESOLUTION BOOK NO. 42 - PAGE 8

L. RESOLUTION NO. 20-204 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A VERIZON WIRELESS MASTER ENCROACHMENT AGREEMENT

Action Requested: Adopt a resolution authorizing the City Manager to execute a Master Encroachment Agreement with Verizon Wireless.

Background:
- In 2017 the North Carolina General Assembly passed Session Law 2017-159, which gave cellular network providers a broad right to place cellular network infrastructure within municipal rights of way within the State.
- Under NCGS 160D-936, the City is limited to reviewing a cellular provider's application to install new small cell facilities for compliance with aesthetic standards.
- The City has worked with Verizon Wireless to develop a Master Encroachment Agreement, which sets forth the terms under which Verizon may submit new facility applications to the City for review.
- This agreement will provide for a more streamlined review process between the City and Verizon.

Council Goal(s):
- A thriving local economy.
- A connected and engaged community.

Committee(s):
- None

Pro(s):
- Will streamline the City's review of proposed cellular facilities in its rights of way pursuant to NCGS 160D-936.

Con(s):
- None

Fiscal Impact:
- Under the Master Encroachment Agreement, Verizon will pay an application of one hundred dollars ($100.00) per facility for the first five small wireless facilities addressed in an application, plus fifty dollars ($50.00) for each additional small wireless facility addressed in the application.
- Verizon will further be required to pay the City a technical consulting fee in the amount of five hundred dollars ($500.00) per application.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a Master Encroachment Agreement with Verizon Wireless.

RESOLUTION BOOK NO. 42 - PAGE 9

M. RESOLUTION NO. 20-208 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY, THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY SCHOOLS BOARD OF EDUCATION REGARDING THE PROVISION OF NECESSARY AND ESSENTIAL INTERNET SERVICES TO CERTAIN COMMUNITIES

Said resolution reads: "WHEREAS, pursuant to N. C. Gen. Stat. 160A-461, the City of Asheville can enter into interlocal agreements to execute any undertaking; and WHEREAS, in direct response to the COVID-19 pandemic, residents of North Carolina must rely substantially on internet services to access certain essential services, including, but not limited to, health care; and WHEREAS, in good faith based upon all available data and scientific information, it is believed that the COVID-19 pandemic will continue for an indefinite period of time to negatively impact the ability of (a) the public schools in the County of Buncombe and the Asheville City Schools District to provide fully in-person instruction; (b) public school students to access on-line instruction; and (c) residents of the County and City to access vital health and safety services made available through the internet, including, but not limited to, telehealth and emergency services information; and WHEREAS, the City of Asheville, Buncombe County, the Housing Authority of the City of Asheville, and Asheville City Schools Board of Education desire to enter into an interlocal agreement to provide necessary, basic and essential services to their respective constituents to mitigate and combat the negative impacts of the COVID-19 pandemic through the provision of no-charge wireless internet services for residents of the following communities: (a) Southside Communities along Livingston Street; (b) Hillcrest Apartments; (c) Pisgah View Apartments; (d) Klondyke Homes; and (e) Deaverview Apartments; and WHEREAS, the Housing Authority of the City of Asheville submitted a Request for Proposals for said services, including installation and annual Internet Service Provider fees for a 4 year term; and WHEREAS, Skyrunner Inc., a/k/a Skyrunner Internet, submitted a proposal that the Housing Authority of the City of Asheville intends to accept, contingent upon funding; and WHEREAS, The City of Asheville wishes to provide a portion of the funding for this endeavor; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City Manager be, and she is hereby, authorized to enter into an Interlocal Agreement with the County of Buncombe, the Housing Authority of the City of Asheville, and the Asheville City Schools Board of Education regarding the provision of necessary and essential internet services to certain communities located in Buncombe County. Pursuant to this agreement, the City of Asheville shall provide the amount of $50,000 toward funding this initiative."

Motion:

- Motion authorizing City Manager to enter into an Interlocal Agreement with the County of Buncombe, the Housing Authority of the City of Asheville, and the Asheville City Schools Board of Education regarding the provision of necessary and essential internet services to certain communities located in Buncombe County.

RESOLUTION BOOK NO. 42 - PAGE 22

Mayor Manheimer announced that there were no advanced live call-ins for items on the Consent Agenda.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

IV. UNFINISHED BUSINESS:

A. **RESOLUTION NO. 20-205 - RESOLUTION TO UPDATE THE 2020-21 ACTION PLAN TO INCLUDE THE ALLOCATION OF $154,711 IN COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY FUNDS AND THE REALLOCATION OF AN ESTIMATED $1.1 MILLION IN HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS**

ORDINANCE NO. 4842 - BUDGET AMENDMENT TO REVISE THE AMOUNT OF THE FISCAL YEAR 2020-21 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUND BUDGETS THAT WERE ADOPTED IN THE FISCAL YEAR 2020-21 ANNUAL BUDGET ORDINANCE BASED ON UPDATED INFORMATION

Mayor Manheimer said that this public hearing was held on October 27, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to adopt the resolution authorizing submission of the City's Annual Action Plan for 2020-2021 to the U.S. Department of Housing and Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the Consolidated Annual Action Plan. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 10

Councilwoman Mayfield moved to adopt a technical budget amendment to revise the amount of the Fiscal Year 2020-21 CDBG and HOME Fund Budgets that were adopted in the Fiscal Year 2020-21 Annual Budget Ordinance based on updated information. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 - PAGE 192

B. **RESOLUTION NO. 20-206 - RESOLUTION TO UPDATE TO THE 2019-20 ACTION PLAN TO INCLUDE $889,456 IN CDBG-CV FUNDS, WHICH MUST BE USED TO PREVENT, PREPARE FOR, OR RESPOND TO CORONAVIRUS**

ORDINANCE NO. 4843 - BUDGET AMENDMENT TO BUDGET THE ROUND 3 COVID-19 GRANT FUNDS

Mayor Manheimer said that this public hearing was held on October 27, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding

public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the proposed use of CDBG funds for COVID-19 / $889,456 and submit to HUD through an Amendment to the 19/20 Action Plan. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 13

Councilman Haynes moved to adopt a budget amendment to budget the Round 3 COVID-19 grant funds. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 - PAGE 193

V. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AUTHORIZE THE CITY MANAGER TO SUBMIT THE 5 YEAR CONSOLIDATED ACTION PLAN FOR FISCAL YEARS 20/21 - 24/25 WHICH INCLUDES THE 20/21 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE HOME INVESTMENT PARTNERSHIP PROGRAM PROGRAMS TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Community Development Program Director Paul D'Angelo said that this is the consideration of public hearing to authorize the City Manager to submit the 5-year Consolidated Action Plan for Fiscal Years 20-21 - 24-25 which includes the 20-21 Action Plan for Community Development Block Grants and the HOME Investment Partnership Programs to the U.S. Dept. of Housing & Urban Development. This public hearing was advertised on June 12, 2020. On June 23, 2020, City Council continued this public hearing until August 25, 2020. On August 25, 2020, City Council continued this public hearing until October 13, 2020. On October 13, 2020, City Council continued this public hearing until November 10, 2020.

Action Requested: Authorization for the City Manager to submit the 5 Year Consolidated Plan for Fiscal Years 20/21 - 24/25, which includes the 20-21 Annual Action Plan for Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program (HOME) programs, to the U.S. Department of Housing and Urban Development (HUD) and to sign all documents necessary to implement the plan.

Background:

- The Consolidated Plan (Con Plan) is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions.
- The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the CPD formula block grant programs:
    - Community Development Block Grant (CDBG) Program
    - HOME Investment Partnerships (HOME) Program

- Every five years, the Community Development Division must prepare and submit to HUD a Consolidated Plan that details our priorities, strategies and performance targets for the region, including Buncombe, Henderson, Transylvania & Madison Counties.
- The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan.
- Grantees report on accomplishments and progress toward Consolidated Plan and Annual Action Plan goals in the Consolidated Annual Performance and Evaluation Report (CAPER).
- For the market conditions and Housing Needs Assessment (HNA), the City of Asheville partnered with Bowen National Research to produce the Asheville, North Carolina Region Housing Needs Assessment.
- For the 5 Year Consolidated Plan, the City of Asheville partnered with the Land of Sky Regional Council of Governments (LOSRC).
- The City of Asheville is the Entitlement Community for the CDBG Funding and the Participating Jurisdiction for the HOME Funding.

Outreach:

- Staff conducted outreach at 9 community events and meetings and held 7 focus group meetings bringing together housing advocates, developers and administrators from the public, private and non-profit sectors in each of the four Consortium counties.
- In addition, two evening public meetings were held at the Stephens Lee Community Center, and the Housing Needs Assessment was presented in a public meeting.
- In total, 258 people participated in the focus groups and public meetings.
- Additional public input was solicited through an online survey.
- The survey was available on the City of Asheville's Open City Hall platform, which automatically translates the survey into over 100 languages.
- A participation link was emailed to focus group invitees, past grant recipients, community stakeholders, and local governments and area agencies were asked to distribute the link to their contacts.
- A link to the survey was also published in the News section on the City of Asheville's website, and on the Community & Economic Development webpage.
- Availability of the survey was also publicized through the regional newspaper and through social media.
- Paper copies of the survey, in English and in Spanish, were available at each public meeting, and were distributed to under-represented community organizations.
- Over 300 responses were received and tabulated.
- The Draft Con Plan was widely distributed in October and November of 2020.
- It was posted on the City and LOSRC's website, and its availability was noticed through email to all who attended the focus group and public forum events, those who were invited but could not attend, and to the general public through newspaper and social media notices.
- The major objective of the citizen participation process has been to ensure that the diverse needs of the region have been heard, and that the broadest range of strategic responses to those needs have been explored.

Housing & Community Development Priorities from Community & Stakeholder Outreach

1. New Rental for Households at or below 60% Area Median Income (AMI)
2. Special Needs Housing
3. Promote Homeownership for Low-Income Households
4. Target Low-Wealth Neighborhoods for Improvement
5. Preserve Existing Housing
6. Coordinate Housing Development with Transportation

7. Create Sustainable Jobs for Low-Income Persons
8. Job Training & Placement
9. Start-up and Growth of Small and Micro-Businesses
10. Support Services necessary for Employment
11. Improve Food Security, Healthy Food Availability
12. Develop Multi-Modal Transportation
13. Develop and Improve Community Centers
14. Services that Support Affordable Housing & Jobs
15. End Homelessness
16. Housing Services for Persons with Special Needs
17. Youth Services

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- Asheville Regional Housing Consortium Board - November 2, 2020 - Approval

Pro(s):

- Approval of the 5 Year Consolidated Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

Con(s):

- None

Fiscal Impact:

- The 5 Year Consolidated Plan includes the 20/21 Annual Action Plan which is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- The funded programs will provide new construction and other economic activity in the City and the region, creating and sustaining employment and impacting moderate and low income communities.

Mayor Manheimer opened the public hearing at 5:42 p.m.

Ms. Ashley Cooper urged Council to step up our resources so we can follow through on what our plans lay out.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Smith moved to recess this item until December 8, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

B. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilwoman Mayfield moved to continue the public hearing to amend the Unified Development Ordinance to update open space requirements until December 8, 2020. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

VI. NEW BUSINESS:

A. RESOLUTION NO. 20-207 - RESOLUTION AMENDING THE CITY OF ASHEVILLE LAND USE INCENTIVE GRANT POLICY

Community Development Program Director Paul D'Angelo said that this is the consideration of an amendment to the LUIG Policy last updated in October 2019.

Background:

- In November of 2010, City Council first adopted a Land Use Incentive Policy that provided incentives to encourage development projects that fulfill important public purposes directly addressing annual strategic goals set by Council such as affordable housing.
- Council directed that the Policy be reviewed yearly after its adoption. Since that time, the Policy has been revised six times in March of 2011, January of 2013, August of 2014, September of 2015, September of 2018 and October of 2019.
- A continued goal of Community Development is to make policies easy to comprehend, usable & equated to an investment dollar amount to be used as a source in a pro forma / balance sheet.
- Changes of note, as guided by discussions with City Council & Legal include the following:
    - An $80,000 per unit cap on subsidy over the affordability period;
    - At least 20% of the units (vs. 10%) must meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income (AMI), to qualify for LUIG, along with an adjustment in points;
    - Clarity on -
        - Rental Assistance Scoring
        - Procedure for assessing Tax Value
        - Annual Rent Increases
        - LUIGI amount
        - The end of affordability period (Recommend Option 1)

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- AHAC - March 5, 2020, approved for HCD; HCD - September 29, 2020; October 20, 2020, approved unanimously to move to City Council

Pro(s):

- The proposed amendments come from staff, legal, and City Council based on recent usage of the updated LUIG Policy dated October, 2019.
- The policy follows Community Development efforts of creating policies that are easy to comprehend, usable & equated to an investment dollar amount to be used as a source in a pro forma / balance sheet.
- A cap of $80,000 per unit follows the recommendations from the City Affordable Housing Workshop that occured on September 6, 2019.
- A build with 20% units affordable requiring some level of subsidy follows the recommendations from the City Affordable Housing Workshop that occured on September 6, 2019.

Con(s):

- The proposed cap could deter developers from accessing LUIG and in turn lead to fewer affordable units.

Fiscal Impact:

- In terms of the financial impact to the City, future LUIG grant subsidies should remain the same or potentially go down.

Mr. D'Angelo did a brief overview of the update to the LUIG policy (1) minimum qualification for length of affordability; (2) recommended cap on per unit subsidy; and (3) post grant guidance (a) reporting requirements; (b) guidelines when tenants exceed income thresholds; and (c) maximum rent increases.

In 2010, City Council first adopted the LUIG policy that provides incentives to encourage development projects that fulfil important public purposes like affordable housing. Commitment to developing policies that are simple, usable and equated to an investment dollar amount to be used in a pro forma/balance sheet. Goals achieved are quality affordable housing; and equitable and diverse community.

He provided an example of a LUIG.

He said to qualify, at least 20% of the units must meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income (AMI) which would include at least 5% of the units accepting Rental Assistance like Housing Choice Vouchers (HCV).

He said the City will only support a LUIG for up to $80,000 per unit of subsidy during the term of the grant although this figure may be adjusted upwards by City Council, if requested by the developer, based on the type of build, level of affordability targeted, length of affordability, shared parking agreement, etc., as well as when a City property tax increase/revaluation occurs.

He said that regarding post award, (1) Appendix 1 - rents plus additional guidance, assistance and clarity; (2) verification of income at initial lease-up is required and at yearly lease renewal; (3) if at renewal the tenant is over the 80% AMI income for that year but under 120% AMI, the City requires that you keep the tenant at the affordable rent; (4) if the tenant is over that 120% AMI income at renewal, they can either stay in their until with an adjustment to market rent or not renew their lease; (5) the City requires that income verification on affordable units for renewal occur 120 days before lease end to allow the tenant additional time if over income; (6) annual rent increases for an affordable unit should not exceed 2.5% and the rent cannot be more than that current year's rent as published in Appendix 1; and (7) one year before the end of the LUIG affordability period, all tenants in affordable units must be notified of this ending date - at the end of the LUIG affordability period, units that are occupied by income qualified tenants must be able to remain in tenancy at the affordable rent until lease renewal.

Ms. Ashley Cooper felt that the 80% AMI threshold is high; and hoped City Council will work for livable and workable housing for all.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of the amended Land Use Incentive Grant Policy with the proposed changes as outlined. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 14

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 7 individuals spoke to Council, including, but not limited to the following comments: reinstate open live public comments (without pre-registration); disappointment that the resolution regarding a funding commitment for community reparations was removed from this agenda; and need to address systemic racism.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:19 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – December 8, 2020 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. ANNOUNCEMENT OF NEW COUNCILWOMAN SANDRA KILGORE

Mayor Manheimer announced that Buncombe County Senior Resident Superior Court Judge Alan Z. Thornburg administered the oath to Sandra Kilgore on December 1, 2021.

Councilwoman Kilgore thanked her supporters and was looking forward to working with this all-woman Council to address a lot of the issues in the community that are important and that will bring us together.

On behalf of City Council, Mayor Manheimer welcomed Councilwoman Kilgore to the Asheville City Council.

B. ANNOUNCEMENT OF NEW COUNCILWOMAN KIM RONEY

Mayor Manheimer announced that Buncombe County Senior Resident Superior Court Judge Alan Z. Thornburg administered the oath to Kim Roney on December 1, 2021.

Councilwoman Roney thanked her students, friends, and neighbors, and was looking forward to sharing ideas and turning difficult conversations into meaningful actions.

On behalf of City Council, Mayor Manheimer welcomed Councilwoman Roney to the Asheville City Council.

C. ANNOUNCEMENT OF NEW COUNCILWOMAN SAGE TURNER

Mayor Manheimer announced that Buncombe County Senior Resident Superior Court Judge Alan Z. Thornburg administered the oath to Sage Turner on December 1, 2021.

Councilwoman Turner said that it was an honor to sit along so many incredible women and she is ready to do the work.

On behalf of City Council, Mayor Manheimer welcomed Councilwoman Turner to the Asheville City Council.

D. ELECTION OF VICE-MAYOR

Mayor Manheimer opened the floor up for nominations. Vice-Mayor Wisler nominated Councilwoman Smith as Vice-Mayor of the City of Asheville. After no more nominations, Mayor Manheimer closed the floor for nominations. By unanimous roll call vote, Councilwoman Smith was elected as Vice-Mayor

Mayor Manheimer thanked Councilwoman Wisler for her work as Vice Mayor for 2 terms, noting that she also did a lot of work behind the scenes.

II. CONSENT AGENDA:

At the request of Councilwoman Roney, Consent Agenda Items "L.1 and L.2" were removed from the Consent Agenda for discussion and/or a separate vote.

Councilwoman Turner moved to adopt the Consent Agenda, with the deletion of items "L.1 and L.2". This motion was seconded by Councilwoman Mosley.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 10, 2020

B. RESOLUTION NO. 20-212 - RESOLUTION ADOPTING THE 2021 CITY COUNCIL MEETING SCHEDULE

Summary: City Council formal meetings are the 2nd and 4th Tuesdays of each month. The following meetings are cancelled: July 13, 2021; August 10, 2021; November 23, 2021; and December 28, 2021.

RESOLUTION BOOK NO. 42 - PAGE 26

C. RESOLUTION NO. 20-213 - RESOLUTION ADOPTING AN UPDATE TO THE CITY'S PROCUREMENT, SURPLUS, PURCHASING & CONTRACTING POLICY

Action Requested: Amendment and adoption of the Procurement, Surplus, Purchasing & Contracting
Policy

Background:

- On October 27, 2020, City Council adopted the Asheville Business Inclusion (ABI) Policy. The ABI Policy replaced and expanded the previous Minority Business Plan.
- The adoption of the ABI Policy necessitated updates and revisions to the Procurement, Surplus, Purchasing & Contracting Policy.
- These changes included guidance to staff to follow the ABI policy regarding Minority and Women-Owned Business Enterprise (MWBE) outreach in their procurement efforts.
- The Procurement Policy had not been substantially updated since 2012.
- This policy will become effective on January 1, 2021, in order to coincide with the effective date of the ABI policy.
- This policy governs how all procurements for purchases and contracts are handled, as well as the disposal of surplus City personal property.
- Amendments and updates to the "Purchasing and Contracting Policy" are as follows:
    - The title was updated to "Procurement, Surplus, Purchasing, & Contracting Policy" in order to encompass all areas governed by the policy;

- References to the ABI policy were included, specifically in regards MWBE outreach, which is required per the ABI policy;
- General update to ensure policy is up to date with the North Caorlina General Statutes;
- Procedures were removed from the policy and will be placed in separate document;
- Addition of a conflicts of interest section for staff who participate in city procurement and contracting; and
- A general reorganization of the policy for readability.

Council Goal(s):
- An Equitable and Diverse Community
- Thriving Local Economy

Committee(s):
- None

Pro(s):
- Provides necessary updates and revision to a policy that was adopted in 2012
- Ensures the City of Asheville is consistent with State, Federal, and other City policies
- Promotes competitive procurement
- Supports implementation of the Asheville Business Inclusion Policy

Con(s):
- None.

Fiscal Impact:
- None.

Motion:
- Motion to approve a resolution to amend and adopt the City of Asheville Procurement, Surplus, Purchasing & Contracting Policy.

Councilwoman Roney understood that this update is meant to provide guidance for outreach to MWBE outreach for equitable outcomes. We need to be held accountable to the fullness of our capacity to ensure that policies like this one make equitable outcomes possible. So, when we see an opportunity to address equity in our contracting, then we have to ensure that our policies get us there. She will look forward to reviewing the data.

In response to Vice-Mayor Smith, Financial & Strategic Services Manager Frank McGowan said that the disposal of personal property that the City owns is governed by state statute. The statutes are very specific on how the personal property is disposed of which is through a bid process open to the public if it has value. The City cannot donate personal property.

Vice-Mayor Smith questioned the possibility of loaning equipment.

Assistant City Attorney Aarin Miles and Minority Business Program Manager Rosanna Mulcahy responded to Vice-Mayor Smith when she asked if there is any way we can break down the work ahead of time and perhaps contract it ourselves so we can actually promote our aspirational goals around participation.

D. RESOLUTION NO. 20-214 - RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN A SIDEWALK EASEMENT OVER REAL PROPERTY LOCATED AT 117 ONTEORA BOULEVARD

Action Requested: Adopt a resolution authorizing the City Attorney's Office to condemn a sidewalk easement over real property located at 117 Onteora Boulevard.

Background:

- The City's Capital Projects Department has a sidewalk installation project planned along Onteora Boulevard.
- The City has obtained all required easements needed to complete this sidewalk project except for one along the edge of real property located at 117 Onteora Boulevard.
- The property at 117 Onteora Boulevard was owned by Margetta Deese who passed away in 2016.
- The City has made repeated attempts to identify Ms. Deese's potential heirs or personal representatives regarding the needed easement, but has received no response.
- The easement needed at 117 Onteora Boulevard is immediately adjacent to the City's right of way and is entirely within an unbuildable setback.
- As such, the City's condemnation of the needed easement will only minimally impact the subject property's value.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Will facilitate the completion of a needed sidewalk construction project and safeguard the project schedule.

Con(s):

- Will result in the commencement of an eminent domain action against the owner.

Fiscal Impact:

- The expected value of the needed easement is less than $3,000 which is included in the project budget for the subject construction project.

Motion:

- Motion to adopt a resolution authorizing the City Attorney's Office to condemn a sidewalk easement over real property located at 117 Onteora Boulevard.

RESOLUTION BOOK NO. 42 - PAGE 29

E. RESOLUTION NO. 20-215 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH T-MOBILE SOUTH LLC AT 300 MERRIMON AVENUE

Action Requested: Adoption of a resolution authorizing the City Manager to sign a license agreement with T-Mobile South LLC at 300 Merrimon Avenue with a term of five years with one five-year renewal.

Background:

- In 2001, the Asheville City Council approved Triton PCS Wireless to install a concealed telecommunications tower and a concrete equipment shelter at 300 Merrimon.
- T-Mobile South LLC currently occupies the tower that is located atop a six story brick stairwell adjacent to the historic fire house at 300 Merrimon Avenue.
- T-Mobile's existing agreement with the City is set to expire and they have requested a renewal of 5 years with an additional 5 year renewal.
- T-Mobile lease rate is currently $30,000 with an escalation of 3%.
- T-Mobile has agreed to a new base rate of $35,000 with the 3% escalation applied at the end of every lease year.
- Staff is currently reviewing options for sale or reuse of the historic firehouse and tower at 300 Merrimon.
- Preserving the historical character of the property is central in this consideration.
- Staff intends to present recommendations to City Council regarding the overall sale or use of the property in 2021.
- If Council were to consider a future sale of this property, the lease would be transferable to a new owner.
- During this time, staff recommends maximizing the value of the telecom tower by extending the license agreement that is currently active with T-Mobile for equipment on the telecom tower.

Council Goal(s):
- Financially Resilient City

Committee(s):
- None

Pro(s):
- The presence of T-Mobile on the tower increases the value of this asset and provides revenue to the City.

Con(s):
- None.

Fiscal Impact:
- The City's General Fund will receive approximately $2,920 per month or $35,000 per year in revenue during the first year of the new lease.

Motion:
- Motion to approve the resolution authorizing the City Manager to sign a license agreement with T-Mobile South LLC with a term of five years with one five-year renewal.

RESOLUTION BOOK NO. 42 - PAGE 30

F. MOTION APPROVING THE 2021-22 BOARDS & COMMISSIONS MEETING SCHEDULE, INCLUDING CITY COUNCIL LIAISONS AND MEMBER APPOINTMENTS

RESOLUTION NO. 20-216 - RESOLUTION APPOINTING COUNCILWOMAN SAGE TURNER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

RESOLUTION BOOK NO. 42 - PAGE 31

RESOLUTION NO. 20-217 - RESOLUTION APPOINTING COUNCILWOMAN SANDRA KILGORE TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

RESOLUTION BOOK NO. 42 - PAGE 32

RESOLUTION NO. 20-218 - RESOLUTION APPOINTING COUNCILWOMAN KIM RONEY TO THE CITIZENS-POLICE ADVISORY COMMITTEE

RESOLUTION BOOK NO. 42 - PAGE 33

RESOLUTION NO. 20-219 - RESOLUTION APPOINTING COUNCILWOMAN SAGE TURNER TO THE DOWNTOWN COMMISSION

RESOLUTION BOOK NO. 42 - PAGE 34

G. RESOLUTION NO. 20-220 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT RENEWAL WITH AXON FOR THE BODY WORN CAMERA/TASER PROGRAM

Action Requested: Adoption of the 2021 renewal of our Body Worn Camera/Taser agreement with Axon.

Background:

- The Asheville Police Department (APD) is nearing the end of our initial 5 year agreement with Axon for our Body Worn Camera/Taser program.
- Axon has offered us reduced pricing to renew if we can finalize the agreement by 12/31/2020.
- Axon has structured their quote in such a way that year one costs will remain the same as our prior agreement as they understand we have not budgeted for any increase for FY21.
- Our current contract isn't expiring until July 2021 (FY22) so we would have budgeted the increase for next fiscal year. However, since Axon prices change every new calendar year in January, they've offered us to renew early (with credits for current contract paid but unused service time) to secure the current pricing structure.
- The additional amount we would have paid in year one has been subsequently spread out over the remaining four years of the agreement.
- The total cost of continuing our agreement for another 5 years is $1,862,664.90.

Vendor Outreach Efforts:

- Axon is our current vendor for the body camera/taser program and utilizes pricing per the OMNIA Cooperative Contract.
- Due to pricing from a cooperative contract, no outreach to minority and women owned business was conducted.

Council Goal(s):

- Smart City, Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Increase safety by continuing to provide equipment beneficial to officers and the public
- Strengthen agency accountability and transparency to the public
- Reduce complaints and resolve officer involved incidents
- Identify and correct potential internal agency problems
- Benefit public safety by accurately documenting officer interactions and evidence collection
- Used in policy compliance checks such as consent search interactions and documentation
- Compliance with National best practices of using a BWC platform to document officer interactions

Con(s):

- Increase in cost, as expected, from our original 5 year agreement

Fiscal Impact:

- No impact in the current fiscal year as Axon has calculated the year one payment amount to be $214,008.90, which is already included in the adopted Police Department budget.
- Years two through five will see an increase from $221,244 per year to $412,164 per year.
- If we had not frozen year one pricing this five year agreement would have been $372,532.98 per year.
- The total obligation in either scenario is $1,862,664.90 over the 5 years of the agreement.

Motion:

- Motion to approve the resolution authorizing the Asheville Police Department to renew our 5 year agreement with Axon for our Body Worn Camera/Taser program.

RESOLUTION BOOK NO. 42 - PAGE 35

H. RESOLUTION NO. 20-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER WITH SCHNABEL ENGINEERING SOUTH FOR THE AUXILIARY SPILLWAY DAM AND IMPROVEMENTS PROJECT (NORTH FORK DAM SPILLWAY UPGRADE PHASE II)

Action Requested: Adopt a resolution authorizing the City Manager to execute a change order to the contract with Schnabel Engineering South for work associated with the Auxiliary Spillway and Dam Improvement project (North Fork Dam Spillway Upgrade Phase II).

Background:

- The original North Fork Dam and Spillway did not meet current regulations to ensure the integrity of the dam during a probable maximum precipitation event (greatest amount of precipitation for a given duration of time).
- In 2006, Water Resources implemented the Flood Operations Plan in an effort to meet these requirements.
- In addition, Water Resources took further action to meet N.C. Dam Safety requirements.
- In 2015, Schnabel Engineering was selected through a qualification-based selection process for the final design, bidding, and construction oversight for the North Fork Auxiliary Spillway and Dam Improvements project.
- Construction began in November 2017 for the 26 month contract.
- Requesting a change order for $197,398 will bring the engineering costs for this project to a total of $4,547,568.

- Several factors have impacted the project including extending construction oversight and administrative activities, increasing public communication efforts, and additional design services. More specifically:
    - Heavy and frequent precipitation events in 2018, late 2019, and 2020 impacted activities associated with the critical path (schedule).
    - Additional design work associated with providing temporary raw water pumping into the treatment process.
    - Loss of electricity to the temporary pumping system created additional design work. It became necessary to develop two back-up plans to ensure power.
    - Administrative work to cover additional Request for Information (RFI) and Submittals, Construction Oversight, and progress meetings.
    - Development and implementation of the end of project communication plan.

Vendor Outreach Efforts:

- Not applicable, change to an existing contract

Council Goal(s):

- A Financially Resilient City; A Clean and Healthy Environment

Committee(s):

- None.

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

Con(s):

- Although unavoidable, the cost of the project Increased.

Fiscal Impact:

- The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project Fund in the North Fork WTP Dam/Tunnel Repairs Project.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a change order to the contract with Schnabel Engineering South for work associated with the Auxiliary Spillway and Dam Improvement project (North Fork Dam Spillway Upgrade Phase II).

RESOLUTION BOOK NO. 42 - PAGE 36

I. RESOLUTION NO. 20-222 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE YEAR CONTRACT EXTENSION WITH DAIKIN APPLIED AMERICAS INC. FOR HARRAH'S CHEROKEE CENTER ASHEVILLE FACILITY RENOVATION & HVAC MODERNIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the contract with Daikin Applied Americas, Inc. to increase the contract amount by $26,772, for a revised total maximum price amount of $101,862.00 and to extend the contract for an additional year in order to complete the Harrah's Cherokee Center Asheville (HCCA) Facility Renovation & HVAC Modernization Project.

Background:

- This contract has been in place since August 11, 2017, for the service & maintenance of the Chiller unit at the Harrah's Cherokee Center.
- The contract is a service contract.
- Daikin Applied Americas, Inc. performs preventative maintenance for the chiller.
- The contract includes 40 hours of repair if something brakes.
- The City is responsible for parts.
- This one year extension is the final extension opportunity for the current contract.
- This contract previously did not require City Council authorization as the contract amount totaled $75,090.
- The final year extension increased the total contract amount above the $90,000 threshold requiring Council approval.

Vendor Outreach Efforts:

- When initially contracted, staff performed an informal bidding process which included outreach to
  Minority & Women-Owned Business Enterprise (MWBE) service providers for services.
  No MWBE service providers responded.

Council Goal(s):

- A Thriving Local Economy
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Improves the venue's ability to host a wider range of events.
- Reduced energy consumption with well maintained equipment with intelligent controls.

Con(s):

- None.

Fiscal Impact:

- Funds are budgeted within the Harrah's Cherokee Center's contracted services account ($26,772).

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the contract with Daikin Applied Americas, Inc. to increase the contract amount by $26,772, for a revised total maximum price amount of $101,862.00 and extend the contract for an additional year.

RESOLUTION BOOK NO. 42 - PAGE 37

J. RESOLUTION NO. 20-223 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT ANNUAL RECURRING APPLICATIONS TO THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION (FBMPO) FOR THE FISCAL YEAR 2020 SECTION 5310 AND JARC (SECTION 5307) FUNDS, AND IF SUCCESSFUL, TO ACCEPT THE GRANT FUNDS AND SIGN ALL THE APPROPRIATE AGREEMENTS WITH THE FBMPO, FEDERAL AND STATE AGENCIES

Action Requested: Adoption of a resolution authorizing the City Manager to submit applications to the French Broad River Metropolitan Planning Organization (FBRMPO) for the Fiscal Year (FY) 2020 Section 5310 and Job Access Reverse Commute (JARC) (Section 5307) Funds, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal and State agencies, and to include the revenue and the City match in the FY 21-22 Budget.

Background:

- On November 20, 2020, FBRMPO issued a call for projects for the Federal Transit Administration annual recurring Section 5310 and JARC (Section 5307) grant funds.
- The deadline to submit both grants is December 31, 2020.
- Section 5310 funding is used for improving mobility for seniors and individuals with disabilities.
- The City uses Section 5310 funds to pay for a portion of the City's existing paratransit service.
- The City is going to apply for $166,832 in Federal funds.
- The match for these funds is 20%, or $41,708, for a total project cost of $208,540.
- JARC (Section 5307) funds are used to fund a portion of the operating costs of Route 170, which operates fixed-route service from downtown Asheville to the Town of Black Mountain.
- The City is going to apply for $231,558 in Federal funds, which is 50% of the total cost to operate Route 170.
- The match for JARC funds is 50%, so the City's contribution to the total cost is also $231,558.
- The City is the designated recipient for the region and oversees and administers the grants after they are awarded to subrecipients by the FBRMPO.
- The City receives a 10% administrative fee for this effort.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- The funds help offset the annual operating cost of paratransit and Route 170 fixed-route services.
- The City receives 10% in administrative fees to oversee both programs.

Con(s):

- The City is responsible for the local matches.
- If funds are not awarded, it will significantly impact funding for transit operations and affect the quality of services provided.

Fiscal Impact:

- The local match will be included in the proposed FY 21-22 operating budget.

Motion:

- Motion to approve a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (FBRMPO) for:
    - FY 2020 Section 5310 funds in the amount of $166,832, and if successful, to accept the grant funds and sign all the appropriate agreements with the

FBRMPO, Federal, and/or State agencies, and to include the revenue and the City match in the FY21-22 Proposed Budget.

- FY 2020 JARC (Section 5307) funds in the amount of $231,558, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue and the City match in the FY21-22 Proposed Budget.

RESOLUTION BOOK NO. 42 - PAGE 38

K. BUDGET AMENDMENT TO ACCEPT A PRIVATE DONATION FOR THE ASHEVILLE POLICE DEPARTMENT FOR TACTICAL DE-ESCALATION TRAINING

This item was removed from the Consent Agenda for discussion and/or an individual vote.

L. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAMS OF THE U.S. DEPT. OF JUSTICE FOR THE 2020 EDWARD BYRNE JUSTICE OF ASSISTANCE GRANT

BUDGET AMENDMENT FOR THE EDWARD BYRNE 2020 JUSTICE OF ASSISTANCE GRANT

These items were removed from the Consent Agenda for discussion and/or an individual vote.

M. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT, GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE 2020 BULLETPROOF VEST PARTNERSHIP GRANT

BUDGET AMENDMENT FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE 2020 BULLETPROOF VEST PARTNERSHIP GRANT

These items were removed from the Consent Agenda for discussion and/or an individual vote.

N. RESOLUTION NO. 20-226 - RESOLUTION SETTING A PUBLIC HEARING ON JANUARY 12, 2021, TO CLOSE A PORTION OF RIGHT-OF-WAY KNOWN AS VELVET STREET

Action Requested: Adoption of a resolution to set a public hearing for January 12, 2021 to permanently close a portion of right-of-way known as Velvet Street.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Fifty-Five South Market, LLC has petitioned for this closure. They are the owners of the property known as 55 S. Market St., PIN# 9648-59-0637.
- The right-of-way is a former City of Asheville street.
- This closure will not impede any future use of this right-of-way.

- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. This area will be used as the means of egress from the building to the public sidewalk as required by fire code.
- This closure allows for the life safety stairs to the public way to remain as constructed.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Multimodal Transportation Committee - October 28, 2020: Recommended closing the right-of-way by unanimous vote.

Pro(s):
- The closure would allow for more efficient use of the existing adjacent property.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):
- None noted.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Motion:
- Motion to adopt resolution of intent to set a public hearing on January 12, 2021, to close a portion of right-of-way known as Velvet Street.

RESOLUTION BOOK NO. 42 - PAGE 41

O. RESOLUTION NO. 20-227 - RESOLUTION SETTING A PUBLIC HEARING ON JANUARY 12, 2021, TO CLOSE A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF COURTLAND AVENUE AND HOUSTON STREET

Action Requested: Adoption of a resolution to set a public hearing for January 12, 2021, for the closure of a portion of right-of-way at the intersection of Courtland Avenue and Houston Street.

Background:
- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Youngblood and Sarah Haske have petitioned to close this right-of-way.
- They are the owners of 137 Houston Street, PIN #s 9639-90-3085 and 9639-90-3979.
- The Haskes have agreed to grant the City of Asheville an 11.5-foot easement from the new right-of-way line into the property.
- This easement will be for future sidewalk, water, and stormwater projects.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. Current plan is to recombine the two properties. Future use would be to add an auxiliary dwelling unit; however, no plans prepared at this time.
- This closure will allow for the recombination of parcels while removing the excess unused portion of right of way from the parcels.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Multimodal Transportation Committee - October 28, 2020: unanimously supported the closure of the right-of- way with the condition of an 11.5' easement remaining for future City of Asheville use.

Pro(s):
- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):
- None noted.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Motion:
- Motion to adopt resolution of intent to set a public hearing on January 12, 2021, to permanently close a portion of right-of-way at the intersection of Courtland Avenue and Houston Street.

RESOLUTION BOOK NO. 42 - PAGE 43

P. RESOLUTION NO. 20-228 - RESOLUTION SETTING A PUBLIC HEARING ON JANUARY 12, 2021, TO CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

Action Requested: Adoption of a resolution to set a public hearing for January 12, 2021, for the closure of an unopened right-of-way known as Trade Street.

Background:
- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Meinch Construction, Inc. has petitioned to close this right-of-way. They are the owners of 99999 Trade St, PIN # 9638-98-2756. Joining this petition are Butler and Celeste Wiltse. They are the owners of 28 Trade St., PIN # 9638-98-3860.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.
- This closure allows for the development of 99999 Trade St by providing more room for construction by adjusting the property lines.
- The right-of-way is needed to provide the required screening in the back of the property for 4 residential units that will front on Roberts Street.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Multimodal Transportation Committee - October 28, 2020: Supported closing the right-of-way by unanimous vote.

Pro(s):
- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Motion:

- Motion to adopt resolution of intent to set a public hearing on January 12, 2021, to close an unopened right-of-way known as Trade Street.

RESOLUTION BOOK NO. 42 - PAGE 44

Q. RESOLUTION NO. 20-229 - RESOLUTION DIRECTING THE CITY MANAGER AND CHIEF FINANCIAL OFFICER TO PURSUE A RATE MODIFICATION ON THE EXISTING 2020 GENERAL OBLIGATION BOND DRAW PROGRAM

Action Requested: Approval of a resolution directing the City Manager and Chief Financial Officer to pursue a rate modification on the existing 2020 General Obligation (GO) Bond Draw Program for a savings of at least sixty thousand dollars ($60,000).

Background - Draw Program:

- The City uses draw programs to minimize the cost of debt.
- The programs allow the City to draw down funds as they are needed during the construction of projects (24-59 months).
- This short-term debt is then "refunded," or refinanced with longer-term, fixed rate debt (20-30 years).
- This approach minimizes the interest the City pays on debt during construction and ensures that the City's debt capacity is used most efficiently.

Background - Draw Program Rate Modification:

- In June 2020, the City entered into a GO Bond Draw Program with Bank of America.
- The draw program matures in June, 2022.
- The first drawdown on the loan was $5.1 million against a not-to-exceed total amount of $25 million.
- The variable rate on the GO Bond Draw Program stands at 80% of LIBOR (London Inter-Bank Offered Rate*) + 138 basis points.
- In addition, there is an annualized fee of 40 basis points on the unused portion of the debt.
- Short-term interest rates in June, 2020 were somewhat unstable due to COVID-19, and since the time of close, interest rates have stabilized and moved favorably lower.
- As a result, the City has pursued a rate modification on the debt.
- Additionally, banks are moving away from using LIBOR to other indexes such as SIFMA (Securities Industry and Financial Markets Association rate*) because LIBOR will no longer be used as of the end of 2021.
- The proposed variable rate modification from Bank of America for the existing GO Bond Draw Program is SIFMA + 58 basis points and an unused fee of 30 basis points.

*LIBOR and SIFMA are benchmark interest rates at which banks lend to one another for short-term debt.

Council Goal:
- Financially Resilient City

Committee(s):
- None

Pro(s):
- Lower interest and unused fee expense.

Con(s):
- None

Fiscal Impact:
- At current rates and debt balances, the annual cost savings from the rate modification is roughly sixty thousand dollars ($60,000).
- As the City continues to draw down on the Bond, the interest savings from the modification will increase.
- Following City Council approval, the rate modification will go into effect in early January, 2021.

Motion:
- Motion to approve the proposed GO Bond Draw Program - Rate Modification Resolution.

RESOLUTION BOOK NO. 42 - PAGE 45

R. RESOLUTION NO. 20-230 - RESOLUTION RATIFYING THE SERVICES RENDERED TO THE CITY BY PASSPORT LABS INC. AT THE EXPIRATION OF THE INITIAL CONTRACT TERM TO PRESENT, AND AUTHORIZING THE CITY MANAGER TO EXTEND THE PARKING CITATION MANAGEMENT CONTRACT WITH PASSPORT LABS INC. UNTIL FEBRUARY 28, 2021

Action Requested: Adoption of a resolution ratifying the services rendered to the City by Passport Labs, Inc. at the expiration of the initial contract term (September 30, 2020) to present, and authorizing the City Manager to extend the parking citation management contract (# 91800137) with Passport Labs, Inc. until February 28, 2021.

Background:
- In addition to the parking citation management contract, Passport Labs currently serves the City of Asheville by providing an app that allows parkers to pay for parking on their mobile device through a separate contract.
- These are two separate contracts with Passport.
- The City of Asheville entered into a contract with Passport Labs, Inc. on October 1, 2017 for parking citation management services.
- The original contract expired on September 30, 2020, and did not include any provisions for renewals.
- Passport Labs, Inc. has continued to provide the City services upon the expiration of the initial contract term until present.
- The requested contract extension through February 28, 2021, allows City staff additional time to complete negotiations with the vendor for a new service agreement.
- The new service agreement will utilize a cooperative purchasing agreement, and is expected to result in a reduction in the cost of services given an identical scope of work to the current contract.

- The services provided by Passport Labs, Inc. are integral to Parking Services Division operations.

Vendor Outreach Efforts:
- N/A - This is a current contract.

Council Goal(s):
- Transportation and Accessibility.

Committee(s):
- None

Pro(s):
- Enables the City to continue using an existing agreement which allows for the efficient management of City-operated parking spaces.

Con(s):
- None

Fiscal Impact:
- The requested contract extension does not increase the current amount of the contract.

Motion:
- Motion to adopt a resolution ratifying the services rendered to the City by Passport Labs, Inc. at the expiration of the initial contract term (September 30, 2020) to present and authorizing the City Manager to extend the parking citation management contract (# 91800137) with Passport Labs, Inc., until February 28, 2021.

RESOLUTION BOOK NO. 42 - PAGE 65

S. RESOLUTION NO. 20-231 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO AN INTERLOCAL AGREEMENT WITH ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE (A-B TECH) AND BUNCOMBE COUNTY TO EXPAND THE JURISDICTION OF THE A-B TECH'S POLICE DEPARTMENT

Action Requested: Approval of a resolution granting authority to amend inter-local agreement with AB-Tech and Buncombe County concerning jurisdiction of the AB-Tech Police Department.

Background:

- North Carolina law allows any community college in North Carolina that has a law enforcement agency to enter into a joint agreement with the governing board of a municipality where the college is located in order to expand the community college's law enforcement jurisdiction.
- AB-Tech has requested that the City and Buncombe County amend its current agreement to allow the AB-Tech police to exercise jurisdiction on the property of the Allied Health Building and the Smith-McDowell House, which are both on or immediately adjacent to AB-Tech's campus.

Pro(s):
- Will provide a law enforcement partner with authority necessary to effectively carry out its duties.

Con(s):
- None

Fiscal Impact:
- None.

Motion:
- Motion to adopt a resolution authorizing the mayor to sign an amendment to the 2014 Joint Agreement between AB-Tech and Buncombe County extending the AB-Tech police department's jurisdiction.

RESOLUTION BOOK NO. 42 - PAGE 66

T. ORDINANCE NO. 4787 - BUDGET AMENDMENT TO INCREASE THE FISCAL YEAR 2018 SECTION 5310 GRANT FUNDS FOR PASS-THROUGH TRANSIT PROGRAMS AND TO RATIFY APPLICABLE AGREEMENTS

Action Requested: Adopt a budget amendment in the Transit Services Operating and Multi-Year Funds to increase the Fiscal Year (FY) 2018 Section 5310 grant funds previously awarded by $520 for pass-through transit programs and to ratify applicable agreements.

Background:
- In March 2019, the City and other regional transit providers applied for a total of $332,174 in FY 2018 Section 5310 Federal Transit grant funds from the French Broad River Metropolitan Planning Organization (FBRMPO).
- These funds are recurring annual funds and are used by the City and subrecipients for paratransit and other transit services for seniors and people with disabilities.
- In January 2020, the requested funds were awarded and budgeted by City Council.
- Recently, the Federal Transit Administration Region IV Office notified the City that an additional $520 in FY 2018 Section 5310 funds was available and should be added to the grant award and that the FBRMPO should determine how to distribute the extra funds although it is a very small amount.
- In September 2020, the FBRMPO determined that the $520 should be divided equally among the City, Buncombe County, and Henderson County.
- The budget amendment will provide expenditure authorization for the remaining amount of $520, for a total of $332,694 and will ratify the original resolution approving the funds.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Uses all available Section 5310 Federal Transit funds allocated in FY 2018.
- The funds help seniors and people with disabilities.

Con(s):
- None

Fiscal Impact:
- $520 will be added to the Transit Operating and Multi-Year Funds. No additional City match is required.

Motion:

- Motion to adopt a budget amendment in the Transit Services Operating and Multi-Year Funds to increase the FY 2018 Section 5310 grant funds previously awarded by $520 for pass-through transit programs and ratify applicable agreements.

ORDINANCE BOOK NO. 33 - PAGE 197

U. RESOLUTION NO. 20-232 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH RESPONDER SUPPORT SERVICES TO EXPAND SUPPORT FOR BEHAVIORAL HEALTH SERVICES PROVIDED TO FIRE AND POLICE EMPLOYEES

Action Requested: Adoption of contract amendment for Responder Support Services, LLC to increase funding for behavioral health support to Fire and Police.

Background:

- Responder Support Services currently provides embedded behavioral health support to Fire and Police Departments two (2) days per week for each department.
- The need by Fire and Police for behavioral health support has steadily increased in the last several months.
- Fire Chief and Police Chief have requested embedded support four (4) days per week for each department.
- Increased behavioral health support to Public Safety employees is critical to maintain the health and wellbeing of these employees in order to provide service to the community.

Vendor Outreach Efforts:

- Current vendor for embedded behavioral health support is Responder Support Services, LLC. This vendor provides specialized support for Fire and Police employees.
- Staff was unable to identify other local vendors that provide dedicated service to Fire and Police Departments.

Council Goal(s):

- A thriving local economy

Pro(s):

- Support for public safety employees dealing with trauma on a daily basis
- Known provider who specializes in supporting public safety employees

Con(s):

- None

Fiscal Impact:

- The cost for the contract will be $176,000 per year.
- Funding will come from the existing budget in the City's Health Insurance Fund.

Motion:

- Motion to approve contract amendment to support increased behavioral health support for City of Asheville Fire and Police Departments

RESOLUTION BOOK NO. 42 - PAGE 67

V. RESOLUTION NO. 20-233 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WNC LANDSCAPING, LLC FOR THE FISCAL YEAR 2021 DOWNTOWN CLEANING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with WNC Landscaping, LLC in the amount of $230,994 plus a 15% contingency of $34,649.10, for a total of $265,643.10 for the Fiscal Year (FY) 2021 Downtown Cleaning contract.

Background:

- This contract includes provisions for:
  - pressure washing of City-owned sidewalks in the Central Business District (CBD);
  - weed control on City-owned sidewalks and curb lines;
  - general cleanup services to remove loose litter and debris from City-owned sidewalks; and
  - cleaning of City-owned garbage and recycle cans.
- The CBD is divided into two zones - Zone A and Zone B.
- Specifically, Zone A will be pressure washed six times in one year; and Zone B will be pressure washed two times.
- The contractor will provide weed control on an as-needed basis and patrol daily for loose litter and debris.
- Garbage and recycling cans will be cleaned four times per year.
- The Request for Proposals (RFP) was advertised on October 10, 2020, and bids were opened on November 5, 2020.
- The following five bids were received:

WNC Landscaping, LLC of Cedar Mountain, NC	$132,503
TruBlue Services, LLC of Easley, SC	$137,593
MsLean of Arden, NC	$146,996
PD Rivers of Hemingway, SC	$158,035
B.H. Graning Landscapes, Inc of Sylva, NC	$185,808

- The lowest, responsive bid was determined by the base bid.
- The contract also requested prices for extra services to be provided by the lowest responsive bidder if the prices fit into the City's budget.
- These services include two additional washing cycles of Zone A, daily loose debris pickup, and garbage can cleaning.
- This accounts for the difference in the base bid price and the contract amount.
- This contract will commence at the completion of the current contract.
- The contract is for one year, but does provide for two 1-year extensions if the contractor and City agree.
- The contract will start on January 8, 2021.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes, which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- One minority-owned business enterprise submitted a bid to be the prime contractor on the project. This bidder was the 3rd lowest bidder and will not be awarded the contract.

Council Goal(s):

- Well-Planned and Livable Community; Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Will increase the cleaning frequency of the most heavily used areas of the CBD.
- Will provide for the cleaning of City-owned garbage and recycling cans which are a source of complaint.

Con(s):
- Pressure washing can cause short disruptions for pedestrian traffic.

Fiscal Impact:
- Funding for this contract is allocated in the FY 2020-21 Public Works Department Budget.

Motion:
- Motion to adopt resolution awarding the contract to WNC Landscaping, LLC and authorizing the City Manager to execute a contract in the amount of $230,994 plus a contingency of $34,649.10 (15%), for a total of $265,643.10 for the FY21 Downtown Cleaning contract.

RESOLUTION BOOK NO. 42 - PAGE 68

W. RESOLUTION NO. 20-234 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH RRI WEST MANAGEMENT, LLC. TO SUSTAIN OPERATIONS OF A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

Action(s) Requested: Authorization for City Manager's execution of an agreement with RRI West Management, LLC (Red Roof Inn) to extend provision of 60 rooms for the emergency homeless COVID-19 shelter through February 8, 2021.

Background:
- On May 12, 2020, Council ratified the City Manager's execution of agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for operations of a COVID-19 motel-based non-congregate emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- On October 27, 2020, Council authorized the City Manager to execute extensions of the existing agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for a 90-day period through February 8, 2021.
- Corporate restructuring at Red Roof Inn has placed the Asheville Red Roof Inn property under the direction of a different management division operating under a different company within their organization, RRI West Management, LLC.
- Therefore, an agreement with the new corporate entity is now required.
- RRI West Management, LLC has agreed to honor all the terms and conditions in the original agreement made with Red Roof Inn, Inc. executed in May 2020.

Council Goal(s):
- A Diverse Community
- A Well-Planned and Livable Community

- Fiscally Resilient City

Committee(s):
- None

Pro(s):
- Continues the successful operation of the existing expanded COVID-19 homeless shelter.
- Allows for additional time to effect housing placement for shelter occupants.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.

Con(s):
- Potential damages incurred at the motel are not eligible for reimbursement from FEMA.

Fiscal Impact:
- The additional $274,536 in funding requested for an additional 90-day period through February 8, 2021 was previously approved by Council via Budget Ordinance Amendment # 4833 on October 27, 2020.
- No additional funding is being requested.
- Staff anticipates full FEMA reimbursement for these expenses.

Motion(s):
- Motion to adopt a resolution to authorize the City Manager's execution of a Memorandum of Understanding with RRI West Management, LLC to provide 60 rooms from November 9, 2020, through February 8, 2021 at the Red Roof Inn Asheville at a cost not to exceed $274,536.

RESOLUTION BOOK NO. 42 - PAGE 69

X. RESOLUTION NO. 20-235 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY INTERESTS ON BEHALF OF THE CITY UP TO THE AMOUNT OF $90,000

Action Requested: Adoption of a resolution delegating authority to the City Manager to acquire interests in real property on behalf of the City up to the amount of $90,000.

Background:
- To improve efficiency, it is recommended that the City Council consider delegating authority to the City Manager to acquire interests in real property on behalf of the City up to the amount of $90,000 under certain circumstances.
- This delegation would be consistent with the City's contracting process, where the City Manager has already received a delegation of authority to execute contracts for goods and services on behalf of the City up to $90,000.
- If approved, the Manager would be authorized to acquire interests in real property when the following additional two conditions are met:
  - The City's Chief Financial Officer confirms that sufficient funds are available to pay for the cost of the real property interest, and
  - The City Attorney's Office has reviewed and approved the form of the documents by which the real property interest is acquired.
- Due to the $90,000 cap, this authority will most commonly be used to acquire easements or segments of right-of-way in conjunction with City projects.

- For purposes of clarity, the proposed Resolution will further ratify all previous easement acquisitions.

Council Goal(s):
- Well Planned and Livable Community

Committee(s):
- None

Pro(s):
- Will allow the City to more quickly and efficiently obtain easements or other minor property interests when necessary to complete City projects, including capital projects.

Con(s):
- None

Fiscal Impact:
- No direct impact.

Motion:
- Motion to adopt a resolution that authorizes the City Manager to acquire real property interests on behalf of the City up to the amount of $90,000.

RESOLUTION BOOK NO. 42 - PAGE 70

Y. ORDINANCE NO. 4848 - ORDINANCE AMENDING THE CITY'S FIRE PREVENTION ORDINANCE TO INCLUDE THE IMPOSITION OF CIVIL PENALTIES FOR VIOLATIONS

Action Requested: Adopt an ordinance amending the enforcement procedures for violations of the building occupancy limitations imposed by the North Carolina Fire Prevention Code.

Background:
- At the beginning of the COVID-19 pandemic, State and Local emergency declarations required that certain non-essential businesses close in order to curb the spread of the disease.
- As businesses have been allowed to re-open, State and Local emergency declarations have required that some operate at reduced capacities, typically expressed as a certain percentage of their maximum occupancy under the North Carolina Fire Prevention Code.
- In the course of preparing to enforce occupancy limitations set forth in State and Local emergency declarations, City staff has identified a need to amend the penalties it imposes for violations of the occupancy limits under the North Carolina Fire Prevention Code.
- As revised, a first violation of the occupancy limits of the North Carolina Fire Prevention Code would be punishable by a warning and/or a $50 fine, a second by a $100 fine, and third or subsequent violations punishable by a $500 fine and/or by the Fire Marshal ordering the evacuation of a building, premise, or portion thereof to abate the overcrowded condition.

Council Goal(s):
- A clean and healthy environment.

Committee(s):
- None

Pro(s):

- Allows for escalating penalties based on repeated violations of the North Carolina Fire Prevention Code.

Con(s):

- None noted.

Fiscal Impact:

- None; any fines imposed would be paid to the school system pursuant to Article IX Section 7 of the North Carolina Constitution.

Motion:

- Motion to adopt an ordinance amending the enforcement procedures for violations of the building occupancy limitations imposed by the North Carolina Fire Prevention Code.

ORDINANCE BOOK NO. 33 - PAGE 198

From advanced live call-ins, 14 individuals spoke regarding items on the Consent Agenda, some being, but are not limited to: applying for grant funds for the Asheville Police Department (APD) to purchase of rifles and bulletproof vests should not happen as we need to have a conversation about how our police force is equipped; these grant funds will increase in APD budget and the community has asked to defund the Police by 50%; what is the City doing to aid the Office of Business Inclusion in their outreach processes for soliciting bids; over $2 Million is being allocated to APD with the majority going for firearms, tasers, bulletproof vests and body cams and less than 10% is going into things like de-escalation training and mental health services for our officers; encourage grants to be pursued for the Office of Business Inclusion; need to hold Council accountable for equitable outcoming in the purchasing and contracting policy; and we should not be replacing old rifles with new ones.

After public comment, Councilwoman Roney asked for a friendly amendment to the motion to adopt the Consent Agenda to not only remove Consent Agenda Items "L.1 and L.2" but to also remove from the Consent Agenda Items "K" and "M.1 and M.2" for discussion and/or and individual vote. Councilwoman Turner and Councilwoman Mosley accepted the friendly amendment.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

The amended motion made by Councilwoman Turner and seconded by Councilwoman Mosley carried unanimously by roll call vote.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

K. ORDINANCE NO. 4844 - BUDGET AMENDMENT TO ACCEPT A PRIVATE DONATION FOR THE ASHEVILLE POLICE DEPARTMENT FOR TACTICAL DE-ESCALATION TRAINING

Action Requested: Approval of a budget amendment in the Special Revenue Fund in the amount of $20,000 for a private donation to help fund additional non-budgeted tactical de-escalation training for the Asheville Police Department (APD).

Background:

- On September 25, 2020, I spoke with a gentleman who wished to make a private donation from a trust set up in his sister's name (Trina Mullen Fund for Pritchard Park of The Community Foundation of Western North Carolina) to help improve officer morale.
- We discussed several possible uses for this money by the Police Department.
- He decided he would like the money to go toward tactical/de-escalation training for the officers, a desire voiced by personnel who attended the listening sessions with local community consultants and staff.
- A donation was recorded on November 2nd in the amount of $20,000. Included with the check was a letter specifying that any portion of the funds not used for the purpose for which it has been approved must be returned to the foundation.
- APD is requesting the ability to use the aforementioned donations to help fund the cost of additional non-budgeted training for our officers.

Council Goal(s):
- A Connected and Engaged Community

Committee(s):
- n/a

Pro(s):
- Police officers should demonstrate the highest levels of professionalism, patience, and tolerance, in the execution of their duties.
- To ensure this is done consistently, law enforcement officers need training programs that provide verbal and physical tools to achieve these goals, while simultaneously reducing risk to the officers and those they serve.

Con(s):
- None

Fiscal Impact:
- There is no impact to APD's budget, nor a matching requirement for the donation.

In response to Vice-Mayor Smith's question about under what circumstances can the City accept donations, City Manager Campbell cited some examples, but said that she will provide more information in a memorandum to Council.

Councilwoman Roney appreciated the spirit of neighbors partnering with the City.

Councilwoman Wisler moved to adopt a budget amendment in the Special Revenue Fund in the amount of $20,000 for private donations to help provide additional, non-budgeted tactical de-escalation training for the Asheville Police Department. This motion was seconded by Councilwoman Kilgore and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no."

ORDINANCE BOOK NO. 33 - PAGE 194

L. RESOLUTION NO. 20-224 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAMS OF THE U.S. DEPT. OF JUSTICE FOR THE 2020 EDWARD BYRNE JUSTICE OF ASSISTANCE GRANT

ORDINANCE NO. 4845 - BUDGET AMENDMENT FOR THE EDWARD BYRNE 2020 JUSTICE OF ASSISTANCE GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2020 JAG and adopt a budget amendment in the City's Special Revenue Fund in the amount of $62,044.

Background:

- The City of Asheville receives an annual opportunity to apply for a Department of Justice (DOJ), Edward Byrne Justice Assistance Grant.
- The DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a 2020 award of $62,044.00 which is allocated to the APD and the Buncombe County Sheriff's Office in the amounts of $48,926.00 and $13,118.00 respectively.
- The APD will use the funds to pay for new Windham rifles as part of a trade-in program of older models.
- The Buncombe County Sheriff's Office will use the funds to purchase Forensic and CNT equipment and supplies.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- N/A

Pro(s):

- Ensures the ability to better protect the safety of the residents of Asheville and Buncombe County.

Con(s):

- None

Fiscal Impact:

- There is no local match required.

Police Chief David Zack said that we will not be adding new rifles to the current weapon count, but replacing weapons that malfunction or become unserviceable. That equipment is standard in just about every police agency. We have had 44 people shot, 600 call ins for gun discharges and 11 murders. We must have the tools that we need to protect the public and for the officers to protect themselves, which includes bulletproof vests. The vest does not last a lifetime and must be replaced, and new officers must be provided a vest.

In response to Vice-Mayor Smith, City Manager Campbell said this did not go through the City Council Public Safety Committee because of the scheduling time of that Committee.

Councilwoman Wisler confirmed that we are not increasing the APD budget. She explained that when we put the budget together, it was assumed that we would get these grants because they are recurring grants. If we do get the grant, it must be approved by City Council. Assistant Finance & Budget Director Tony McDowell agreed with Councilwoman Wisler and said that there are other grant opportunities that come up through the year and each time staff must come back to Council to get approval.

Councilwoman Roney recalled in 2017 when three siblings were approached by police officers with assault rifles. She felt this funding authorization doesn't get us to our stated goals, sets a violent example for our youth when our community is mourning gun violence, and doesn't fund community healing. Assault rifles aren't safe and don't de-escalate interactions. She could not support weaponry that miliarizes our staff when we need investment in long-term safety strategy.

Councilwoman Wisler moved to adopt a resolution approving the application and acceptance of the grant and a budget ordinance amendment in the City's Special Revenue Fund in the amount of $62,044. This motion was seconded by Councilwoman Kilgore and carried on a 5-2 roll call vote, with Councilwoman Roney and Councilwoman Turner voting "no."

RESOLUTION BOOK NO. 42 - PAGE 39
ORDINANCE BOOK 33 - PAGE 195

M. RESOLUTION NO. 20-225 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT, GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE 2020 BULLETPROOF VEST PARTNERSHIP GRANT

ORDINANCE NO. 4846 - BUDGET AMENDMENT FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE 2020 BULLETPROOF VEST PARTNERSHIP GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2020 BVP Grant from the U.S. Dept. of Justice; and adopt a budget amendment in the City's Special Revenue Fund in the amount of $70,560.

Background:
- The City of Asheville receives an annual opportunity to apply for a U.S. Department of Justice (DOJ), Bulletproof Vest Partnership (BVP) Grant.
- The DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a 2020 award of $35,280 which requires a dollar for dollar match by the City.
- The funding will allow the purchase of 96 bulletproof vests over the 2 year life of the grant.

Council Goal(s):
- A Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Increases officer safety by providing crucial safety equipment.

Con(s):
- None

Fiscal Impact:
- The City of Asheville's match is $35,280 and is already included in the Adopted APD Fiscal Year 2020-21 budget.

Vice-Mayor Smith moved to adopt a resolution approving the application and acceptance of the grant from the U.S. Dept. of Justice; and a budget ordinance amendment in the City's Special Revenue Fund in the amount of $70,560. This motion was seconded by Councilwoman Turner and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no."

RESOLUTION BOOK NO. 42 - PAGE 40
ORDINANCE BOOK NO. 33 - PAGE 196

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

City Manager Campbell provided Council with a brief Manager's Report. Her presentation overview will consist of: (1) On June 9, staff presented a 30/60/90 Day Work Plan and over the past several months have updated Council and the community on our work; (2) The 30/60/90 Day Work Plan was developed in response to numerous requests from the Black Asheville Demands coalition to address specific racial justice and economic inclusion issues; (3) The Work Plan reflects when we would start working on these requests; (4) Tonight's update will focus on a number of initiatives that have taken place since the budget was adopted on September 22, 2020; (5) Police Chief David Zack will update on Asheville Police Department activity; and (6) Fire Chief Scott Burnette will update on COVID-19 State and Local Orders.

She said the 30/60/90 work plan has been renamed to Advancing Racial Equity in Asheville, with (1) the intentional focus on service delivery and investments that Advance Racial Equity in Asheville; and (2) providing more information about City efforts to pursue social, economic and environmental justice through City investments, service delivery, programs and partnerships in addition to the Black Asheville Demands list of efforts. The Project Page is on the City Website: https://www.ashevillenc.gov/department/communication-public-engagement /projects-and-initiatives/30-60-90-day-work-plan/

Reimaging public safety in Asheville's goal is *to determine how the City of Asheville structures department responsibilities and community partnerships in a way that promotes racial equity and economic inclusion.*

Regarding the public engagement process: (1) Step 1 (complete): Get feedback on an approach from key focus groups; (2) Step 2 (complete): Host Community Meetings; and (3) Step 3: (in process): Report, Recommendations and Implementation.

Regarding re-imagining public safety, Phase I:

4 Animal Control positions (reassigned to DSD)	$220,000
1 Assistant to the Chief position (funding reassigned to CAPE; individual moving into another position)	$110,000
2 Park Warden positions (1 position reassigned to Parks and Recreation and 1 vacant position to a partner agency)	$90,000
6 Telecommunicator positions (all currently vacant; funding being reassigned to ITS and DSD)	$300,000
Salary savings from sworn police officer positions (resignations between July and September - one-time payment to partner organization(s)	$50,000
Total	$770,000

The updates on recommended positions include: (1) Communication and Public Engagement Department (a) *Neighborhood Services Specialist (i)* Posted 11/23 and will close 12/14; and (ii) The position will: (a) Build capacity for neighborhood leadership and community organizing (b) Build and strengthen relationships while serving as a community and neighborhood information broker, providing a portal to City services and programs; and (c) Coordinate work with other City departments, community agencies, and community stakeholders to help address neighborhood concerns; (2) Development Services Department (DSD) (a) *Animal Control Positions - (i)* All Animal Services employees, vehicles and budget have been moved from APD to Development Services Department; (ii) Animal Services Supervisor report directly to the DSD Director; and (iii) Other nuisance related enforcement i.e. Noise Ordinance is now under this department; (3) IT Services Department (a) *Performance Analyst within the IT Services Department* - The position will: (a) Support the use of data to assess and identify community trends and problems; and (b) Utilize data to proactively address and solve problems and support cross departmental and community initiatives; (4) *Data Communication Specialist within the IT Services Department* - The position will: (a) Work with staff and community to make data understandable, including stories and context behind the numbers; and (b) Support staff in presenting program performance and progress on community goals and implementation of community projects; (5) Parks and Recreation Department - *Park Warden Position - (a)* Moved from APD to Parks and Recreation Department; and (b) Provide routine, security work involved in safeguarding customers and vehicles at City parks, pools and related facilities; and (6) Partnership with Homeward Bound - *Homelessness Outreach* - In process of entering into a contract with Homeward Bound.

Regarding internet access for Asheville Housing Authority residents, the City of Asheville, Asheville City Schools, Asheville City Schools Foundation, the Asheville Housing Authority, and Buncombe County have partnered to address the issue of a lack of high speed wireless access for Housing residents, particularly school age children. Through funding by all the partners a project is moving forward to provide all residents with high speed wireless broadband access. An interlocal agreement has been approved by City Council and the first phase of installation has begun. The Asheville City Council has approved $50,000 towards this installation effort.

Re-imaging public safety Phase 2 includes (1) Bringing back Re-imagining Consultants for the next round of engagement: (a) Will review what was heard in Round 1; (b) Will inform what is being done now in response to input from Round 1; and (c) Will seek community feedback on proposed services, programs and partnerships to be included in the 2021-22 Budget that pursue social, economic and environmental justice.

Regarding Positive Opportunities Develop Success (PODS) - There are 13 Sites, 26 PODS, and 260 Students. In this unique opportunity, Asheville City Schools (ACS) staff and community members are pushing into communities of color to work with students in a pod setting. Individuals are pushing into these pods to support and facilitate student engagement and enrichment. We also recognize that some of our students have barriers that may hinder their academic growth; therefore, ACS staff acts as a liaison between the PODS and the students' teachers to maximize student success.

Regarding the Equity Director recruitment, the City is finalizing the scope of work and contract with a search firm to begin the recruitment process. She anticipates late February as the hire date.

Other initiatives being pursued include (1) Consolidating 911 emergency call center to more efficiently respond and deploy resources for emergency response calls; (2) Creating with community partners a collaborative rapid response team model to respond to mental health, drugs and alcohol, homeless, domestic violence and similar types of calls with goal of having Police no longer being the first or only responder; (3) Developing new model(s) for School

Resource Officers to further support student mentoring and other identified needs in schools; (4) Developing with tenants and Housing Authority staff new model(s) to enhance safety in Housing Authority communities; and (5) Identify other training or police reform initiatives to be investigated or implemented.

Police Chief David Zack then spoke about the Asheville Police 30/6090 Progress. This was originally presented to City Council on June 9, 2020. All elements, except one in progress, are complete, and the APD continues to build upon this plan to better serve Asheville.

In 30 days, (1) Expand current definition of what constitutes use of force. Increase indicators into early intervention systems to identify/address issues before they become a problem - Completed (policy updated 10/26/2020); (2) Revise promotional process to reflect merit based and equity - Completed; (3) Abolish Drug Suppression Unit (DSU). Placed greater focus on violent and property crime, less focus on low level drug crimes - Completed; and (4) Partner with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to assist with reducing gun violence in particular - Completed.

In 60 days, (1) Complete promotional processes to support a department wide restructuring - Completed (promotional effective 9/26; restructuring 10/10); (2) Create a department liaison with the District Attorney's Office to identify cases that could not meet prosecution standards as they apply to interrogation, search and seizure, warrant application, and evidence collection and storage - Completed - Integrity Unit established 10/10; and (3) Implementation of TIP411 to provide community ability to anonymously report crime and officer misconduct - Completed - public rollout on 11/30.

Beyond 90 Days, (1) Creation of Community Engagement Division - Completed - created on 10/10/20; and (2) Implementation of gun violence reduction strategy - in progress.

Highlights for the Community Engagement Division (1) Created on October 10; (2) Goal: quickly and efficiently respond to neighborhood quality of life issues; and (3) Comprised of three units: (a) community unit; (b) public housing unit; and (c) school resource officers. November accomplishments include: (1) Addressed 23 neighborhood/community issues (drug dealing, weapons violations, noise complaints, crosswalk issues); and (2) Responded to 34 calls/complaints regarding homeless camps - partnered with Homeward Bound to offer resources to individuals in encampments; and (3) Attended 27 community meetings (reaching approximately 263 residents)

Highlights of the TIP2APD (1) Last week APD rolled out an anonymous crime reporting tool, TIP2APD; (2) Within one week (as of 12/7/2020) (a) app has been downloaded 453 times; (b) 31 individuals have submitted tips; (c) One tip assisted APD in arrest of possession/intent to sell methamphetamine; and (d) Receiving tips related to location of suspect in Gay Street homicide; and (3) More information on the app and text-a-tip located at https://www.ashevillenc.gov/service/report-crime-using-tip2apd/

Highlights of the Elimination of Drug Suppression Unit include (1) Eliminated Drug Suppression Unit (DSU) to lessen focus on lower level drug crimes and increase focus on violent crime; (2) Creation of IMPACT team - current focus on gun violence; and (3) From October 1 - November 30: (a) 25 arrests of known violent, repeat offenders - Total of 102 charges; and (b) Seized 18 firearms (126 total in calendar year 2020).

Chief Fire Scott Burnette provided the COVID-19 Update: (1) Vigilance remains extremely important. The effects of the Thanksgiving holiday are expected to continue to increase infections; (2) Buncombe County Public Health is the local lead for vaccination planning and will be following state guidance; and (3) State and Local Orders.

Governor's Updated Executive Order (1) Requires face coverings to be worn: (a) *Indoors* anytime a person is in the presence of others not in their household (regardless of distance); (b) Outdoors where it is not possible to maintain proper social distancing; and (c) In restaurants, at tables unless actively eating or drinking; (2) Retail business locations(15,000 sq. ft.+) must have a worker at each entrance to enforce face coverings and occupancy requirements; and (3) On public transportation, Customers may be denied entry if they refuse to wear a face covering.

Modified Stay-At-Home Order (1) Update to the Stay-at-Home Order (a) Residents will be required to stay at home from 10 p.m. to 5 a.m except for essential travel; (b) Businesses, including restaurants/bars etc. required to close to the public by 10 p.m; (c) Exceptions for food, fuel and pharmacy; and (d) All onsite alcohol consumption sales must end by 9 p.m.; and (2) Goes into effect at 5:00 p.m. Friday, December 11.

Regarding our local order (1) Businesses found to be over the occupancy limitation may be fined and be subject to temporary closures; (2) Multi-agency task-force to enforce orders; and (3) Asheville's Transit System will require riders to wear a face covering on buses and in buildings (Masks available if needed).

City Manager Campbell said the key takeaways are (1) Progress being made on efforts included in the 30/60/90 day plan, now Advancing Racial Equity in Asheville; (2) Reimagining Public Safety efforts will continue in early January and will be combined with the upcoming Budget process; (3) APD continues to build and strengthen relationships with people and community partners to better serve Asheville; and (4) Wear, Wait, Wash.

City Manager Campbell, along with Police Chief Zack and Fire Chief Burnette responded to various questions from Council, some being, but are not limited to: is the City still under a hiring freeze, and if so, what is the process for hiring vital employees; request for additional information on what other cities are doing to reduce gun violence; what happens to the homeless once they are paired up with Homeward Bound; and status of City employees with COVID-19.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilwoman Wisler moved to continue the public hearing on the Unified Development Ordinance to update open space requirements until May 25, 2021. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 20-236 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE 5 YEAR CONSOLIDATED ACTION PLAN FOR FISCAL YEARS 20/21 - 24/25 WHICH INCLUDES THE 20/21 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE HOME INVESTMENT PARTNERSHIP PROGRAM PROGRAMS TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Mayor Manheimer said that this public hearing was held on November 10, 2020, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Turner moved to adopt the resolution authorizing submission of the City's 5 Year Consolidated Plan, which includes the Annual Action Plan for CDBG and the HOME programs, to HUD and to sign all documents necessary to implement the plan. This motion was seconded by Councilwoman Kilgore and carried on roll call vote of 6-1 vote, with Councilwoman Mosley voting "no."

RESOLUTION BOOK NO. 42 – PAGE 71

VI. NEW BUSINESS:

A. RESOLUTION NO. 20-237 - RESOLUTION TO APPROVE A HOUSING TRUST FUND LOAN OF $1.2 MILLION TO THE BRYSON GROUP TO CONSTRUCT 12 FOR SALE CONDOMINIUMS IN WEST ASHEVILLE

Mr. Paul D'Angelo, Community Development Program Manager said that this is the consideration of a request by Bryson Investment Group LLC to utilize a Housing Trust Fund Loan of $1.2M to construct 12 affordable single family condominiums on property located at Arline Henry Way in West Asheville.

Background:

- The Bryson Investment Group LLC, consisting of Kyle Henry and Tyler San Souci, Local Developers, has proposed the development of 12 single family condominiums available to be sold to individuals and families at or below 80% of the Area Median Income (AMI) on a 0.5 acre parcel to be constructed on Arline Henry Way (PIN #9638-52-5112) in the City of Asheville.
- All 12 homes are intended to be at one and two bedrooms - six - one Bedrooms at 803 sq. ft. and six - two bedrooms at 979 sq. ft.
- In 2017, this lot was purchased by Ground Floor Properties, consisting of Kyle Henry, Tyler San Souci & Aaron Palmer, to be developed in partnership with the Bryson Investment Group LLC.
- Plans were submitted to the City of Asheville to develop 12 condominiums on this site the end of September 2020.
- Due to the size of this development, it does not require zoning approval by City Council.
- Water and sewer is available on the property.

Proposal:

- The developer seeks a loan of $1,200,000 from the City's Housing Trust Fund (HTF).
- Bryson needs this funding, $100,000 per home, to construct the homes for a total of 12 single family condominiums.
- The construction will be a modular build with a partnership with Cardinal Homes out of Virginia.
- Bryson / Ground Floor Properties is committing the property, estimated at $450,000, as collateral.
- Bryson proposes to borrow $1.2M over a period not to exceed 18 months at 1% annual interest rate, with no payments due until the sale of each home or 24 months, whichever comes first.
- Units will be made available to qualified affordable individuals and families with a sale price of approximately $199,000 for the 1 bedrooms and $239,000 for the 2 bedrooms, a sales figure that falls within the pricing for individuals and families at an annual 80% AMI.

- The developer, with staff assistance, will attempt to find buyers below 80% AMI that can qualify for these 12 homes with the help of local or national Down Payment Assistance Programs.
- The homes will come with a deed restriction of affordability for 10 years, meaning if the home is sold within that time period, the owner will sell it to another income qualified family at or below 80% AMI.
- Please note - if approved, this project will be subject to the City's underwriting process and further due diligence.
- Additional documents will be required and verified prior to loan closing.
- No loans will be disbursed until all requirements are met.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- HCD - November 17, 2020 - 2-1 approval to move to City Council with Councilwoman Young voting no/not recommending to move to Council.

Pro(s):
- The project produces 12 homes for individuals and families at or below 80% AMI at a location ½ mile from Haywood Road in West Asheville, with good access to transit and essential services.
- The Bryson Investment Group is a local developer with over 10 years of experience building in the Asheville Market.
- Working with Bryson demonstrates the City of Asheville's commitment to working with more developers, including for-profit developers and infill developers, to be a part of the solution to affordable housing, both rental and homeownership.
- Affordable homes sold to individuals or families at or below 80% AMI at a sales price that better aligns with the incomes and wages produced in Asheville allows residents to have an opportunity to build wealth with homeownership.
- HTF loans for homeownership allow the funds to be paid back much quicker, at either the sale of the home, or a limited time period like two years.

Con(s):
- Loan amount per unit is above the Housing Trust Policy's recommendation of $20,000 per unit.
- The affordability period is only 10 years.
- Loan amount requests a 1% interest rate, which is less than the Housing Trust Fund Policy's recommendation of 2% interest on all loans except those given special terms.

Fiscal Impact:
- Approval of this loan request will leave approximately $600,000 remaining in the HTF for future loans.

Mr. D'Angelo explained what 80% Area Median Income is and the several categories of individuals who would qualify for this housing project.

Mr. Aaron Palmer, real estate broker and part of the development team, said that Pineview Place is an affordable housing project that will provide home ownership to the people who need it the most. The target population is to provide a home ownership opportunity to individuals and families that are at 80% of the Area Median Income. This will be modular construction, which means a quick build time with the ability to provide home ownership within 6 months of beginning construction. Kituwah Manufacturing, the modular company, is owned by

the Cherokee Nation out of Cherokee, N.C. The main focus of Kituwah Manufacturing (d/b/a Cardinal Homes) is to provide affordable housing for their tribe's elders and others in the community who need it most.

Mr. Kyle Henry, general contractor, showed a sketch of a classic Montford style home, with a new age west Asheville flair. This project is a true infill development and conforms to development services of the zoning ordinance. He then explained the floor plans.

Mr. Palmer said that the project is centrally located only ½ mile to Haywood Road, less than a mile walk to Carrier Park and less than ½ mile walk to a public bus line on Hanover Street. They have listened to the community regarding traffic; additioning additional land; the style of building design (working closely with the Development Services Department); curb appeal to have a landscaping buffer; and condo setup to include a low monthly fee that covers items such as water, sewer and maintenance of the property. He explained the build time is expected to be 4-6 months. The proposed payback at the sale of each unit will be at a predetermined amount. The 18 month loan is with a 24 month payback period at the maximum timeframe. In summary, they are targeting 80% AMI; deed restricted for up to 10 years at 80% AMI; one bedroom price is $199,000; two bedroom price is $239,000; down payment assistance potentially provided by the City of Asheville along with other bank and mortgage lenders; local mortgage lenders such as Prime Mortgage can help provide financing; local outreach with other local organizations such as Mountain Housing Opportunities, OnTrack and Asheville-Buncombe Community Land Trust; and commitment to working closely with Community Development Division. It is their hope to provide this type of project on other infill parcels in the City of Asheville in order to provide affordable housing to the community with the 5-50 Program, which is their goal to provide 50 similar homes over the next 5 years.

Mr. D'Angelo responded to several questions/comments from Council, some being, but are not limited to: are any of our old Housing Trust Fund loans being repaid back and are there update to the Housing Trust Fund figures at the City Council Housing & Community Development Committee meetings; distinguish the difference between when there is City-owned land for affordable housing vs. dealing with private developers; can the City's Down Payment Assistance Program help people get into these units; is the City working with the developer to partner with other organizations that have down payment assistance programs, i.e., Habitat, Mountain Housing Opportunities, Asheville-Buncombe Community Land Trust; are condo fees taken into account in the price of the units; and can we connect the City's Minority Business Program Manager with the developer.

From advanced live call-ins, 6 individuals spoke regarding this item, some comments being, but are not limited to: concern that the City is loaning money to developers who will make money off a project when we should put money towards free housing for homeless; how does the City determine who gets a Housing Trust Fund loan; is there a way to guarantee people of color are invited and helped to get into these units; assessment of equity should be included in all staff reports; equity can't be achieved until there are structures in place to address the inequities in our community; this should be reviewed by the Office of Inclusion; period of affordability should be extended more than 10 years; and no sign of reparations in the loan or the project.

Mr. D'Angelo responded to Councilwoman Kilgore when she asked if the project affordability could be in perpetuity.

In response to Councilwoman Turner if in the future we might match the interest rate with the number of years in the loan, Mr. D'Angelo said that the Housing Trust Fund policy is beginning to be updated and once complete, it will come to Council for approval.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Turner moved to approve The Bryson Investment Group LLC. request for a $1.2M Housing Trust Fund Loan to construct 12 affordable single family condominiums at the property located at Arline Henry Way in the City of Asheville to be sold to individuals and families at or below 80% AMI. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 72

B. BOARDS & COMMISSIONS

Regarding the Alcoholic Beverage Control Board, the following individuals applied for the vacancy: Sharon West, Robin Cape, Meaghan Austin, James J. Spencer, Keaton Edwards, David Angelus and Gregory Hill. It was the consensus of the Boards & Commissions Committee and City Council to re-advertise for applications.

RESOLUTION NO. 20-238 - RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Homeless Initiative Advisory Committee (HIAC).

The terms of Charles Rosenblum, Elvia Diaz and James Hartye expired on November 1, 2020.

The following individuals applied for the vacancy: Laura Kirby, John Magee, Sara Coplai, Jason Desai and Sarah Rick.

Boards & Commissions Committee recommended reappointing Elvia Diaz (homeless or formerly homeless representative) and appointing Sara Coplai and Jason Desai.

Vice-Mayor Smith moved to (1) reappoint Elvia Diaz (homeless or formerly homeless representative) as a member of HIAC, to serve an additional three-year term, term to expire November 1, 2023; (2) appoint Sara Coplai as a member of HIAC, to serve a three-year term, term to expire November 1, 2023, or until her successor has been appointed; and (3) appoint Jason Desai as a member of HIAC, to serve a three-year term, term to expire November 1, 2023, or until his successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 73

RESOLUTION NO. 20-241 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission.

Pearl DeBellott resigned as a member of the Human Relations Commission, whose term expired on June 1, 2020. Zakiya Bell-Rogers, Nicole Townsend, Isaiah Greene and Daniele Martin have resigned as members of the Human Relations Commission, thus leaving unexpired terms until June 1, 2021. In addition, the terms of Mychal Bacoate and Patrick Conant expired on June 1, 2020.

The following individuals applied for the vacancy: Susy Chandler, Melissa Ray, Sam Franklin, Bernie Lee Miller, Veronica Colt, Alexandra DiSclarfani, Britni Worley, Ricky McGrath,, Emma Nichole Worthy, Will Overfelt, Melanie Noyes, Tim Collins, Alfred D. Green, Daniel Young and Brandon Oliver.

On September 22, 2020, and October 27, 2020, at the recommendation of the Human Relations Commission, it was the consensus of City Council to allow the Commission time to interview applicants and make a recommendation.

On December 8, 2020, the Boards & Commissions Committee recommended to postpone appointments to allow the Boards & Commissions Committee further review of the applications. However, Councilwoman Roney, liaison for the Commission, put forth the names of Veronica Colt, Will Overfelt, Alfred Green and Brandon Oliver to be appointed to the Commission in order for the Commission to maintain a quorum.

Councilwoman Roney to (1) appoint Will Overfelt, Brandon Oliver and Alfred Green as members of the Human Relations Commission to each serve a two-year term respectively, terms to expire June 1, 2022, or until their successor has been appointed; and (2) appoint Veronica Colt as a member of the Human Relations Commission to serve the unexpired term of Mr. Greene, term to expire June 1, 2021, or until her successor has been appointed. This motion was seconded by Councilwoman Mosley and carried on a 6-1 vote, with Councilwoman Wisler voting "no."

RESOLUTION BOOK NO. 42 – PAGE 76

RESOLUTION NO. 20-239 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Multimodal Transportation Commission.

Kim Roney (transit representative) has resigned as a member of the Multimodal Transportation Commission, thus leaving an unexpired term until July 1, 2021. David Nutter (greenway representative) and Lisbeth Medlock (transit representative) have resigned, thus leaving two unexpired terms until July 1, 2022. In addition, the terms of Rich Lee (at-large representative), and Patricia Katz (at-large representative) expired on July 1, 2020.

The following individuals applied for the vacancy: Sandy Aldridge, Kristen Goldsmith, John Bausone, Marty Shults, Michael G. Waddle, Lydia Buehrer, Joseph Chester, Maggie Ullman and Bill Loftis.

On August 25, 2020, it was the recommendation of the Chair of the Multimodal Transportation Commission, recommendation of the Boards & Commissions Committee, and consensus of Council to re-advertise for the vacancies.

On September 22, 2020, at the recommendation of the Multimodal Transportation Commission, it was the consensus of City Council to readvertise and allow the Commission time to review applications and make a recommendation.

The Multimodal Transportation Commission recommended, and the Boards & Commissions Committee concurred, to reappoint Patricia Katz (at-large representative); appoint John Bausone and Michael Waddle as transit representatives; appoint Lydia Buehrer as a greenway representative; and readvertise for the at-large representative.

Vice-Mayor Smith moved to appoint (1) John Bausone (transit representative) to serve the unexpired term of Ms. Roney, term to expire July 1, 2021 or until his successor has been appointed; (2) Lydia Buehrer (greenway representative) to serve the unexpired term of Mr. Nutter, term to expire July 1, 2022, or until her successor has been appointed; (3) Michael Waddle (transit representative) to serve the unexpired term of Ms. Medlock, term to expire July 1, 2022, or until his successor has been appointed; (4) reappoint Patricia Katz (at-large representative) to serve a three-year term, term to expire July 1, 2023; and (5) re-advertise for an at-large representative. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 74

RESOLUTION NO. 20-240 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Neighborhood Advisory Committee.

The terms of Philip Lenowitz (28804 representative) and Barber Melton (28805 representative) expired on July 1, 2020.

The following individuals applied for the vacancy: Damita Jo Wilder, Bonnie Snyder Hanrick, Sharon Sumrall and Peter Abzug.

On September 22, 2020, and October 27, 2020, at the recommendation of the Neighborhood Advisory Committee, it was the consensus of City Council to readvertise for the 28804 and 28805 seats.

Because no one was eligible for the 28804 seat, the Neighborhood Advisory Committee, and the Boards & Commissions Committee recommended appointing Sharon Sumrall (28805 representative) and re-advertising for the 28804 seat.

Vice-Mayor Smith moved to (1) appoint Sharon Sumrall (28805 representative) as a member of the Neighborhood Advisory Commission to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed; and (2) re-advertise for the 28804 representative. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 75

C. VANCE MONUMENT TASK FORCE REPORT

Assistant City Manager Richard White introduced Co-Chairs of the Vance Monument Task Force Deborah Miles and Oralene Simmons. He said "Oralene Simmons, a descendent of people who were enslaved, is a native of Madison and Buncombe County. At Stephens-Lee High School she was a member of the Asheville Student Committee on Racial Equality. She is retired from the City of Asheville Parks and Recreation Department as a Cultural Arts Supervisor and is the president and founder of the Martin Luther King Association of Asheville and Buncombe County. Deborah Miles, a descendent of people who enslaved others, came from Arkansas in 1975 and is the founder of the UNC Asheville Center for Diversity Education. The Center's work has included the Buncombe County Slave Deeds Project and research about the courageous teenagers of the Asheville Student Committee on Racial Equality."

Using a PowerPoint, Ms. Simmons said "It is our honor to present to the Buncombe County Commissioners and Asheville City Council the recommendation of the Vance Monument Task Force. In June, following weeks of protests across our nation, an intergenerational group of citizens from Asheville brought a list of demands to our elected officials which resulted in the following objectives being given to the Task Force. We are here tonight to share a snapshot of our work and our recommendations. Beginning in August, we met every Thursday on the public platform of the City. Our momentous task was to be done in four months in the middle of a pandemic. Both Deborah and I thank the task force members who took on a heart trembling decision. We thank the staff of the County and City who supported us, prioritized our safety, and helped us in the tricky spots. Finally, we thank Cortina Caldwell who was awesome in every respect as she gave us both structure and flexibility to address a complex decision. These are all People to Match Our Mountains! It is not possible in these few minutes to share all the research that the task force or staff did. Thanks to Cortina, there is a thorough report that will be shared with Commissioner/Council members for you to read. [we are returning on January 26 and will submit the full report at that time]. We do want to emphasize the community engagement work we did. One charge was to prioritize the voices of people and communities most impacted by the monument. Fliers and social media platforms were used to reach out to a list of community organizations to seek their thoughts, ideas, and concerns for Removal, Relocating, or Repurposing the monument – which was our charge. By the beginning of November we had heard from: (a) Over 1,000 folks through emails, voices messages, and texts; (b) Some 50+ folks in the two public call in events; (c) A petition with over 9,500 signatures on change.org; and (d) Among other occasions that are listed in the more detailed report. We were especially moved by the youth and young adults we heard from as we remember Ella Baker's charge "Young people come first. They have the courage where we fail". I'd like to read these quotes to you: 'I am a senior at SILSA and the leader of Keeping it R.E.A.L.....my recommendation for the Vance Monument is for its removal, and that the money for its removal should come from grants and other financial resources rather than taxpayer-funded. This is wage to the monument being built by repressive forces and should be demolished without the need from taxes from the very people it is currently offending. Thank you for donating your time to this endeavor and removing an emblem of hate' – **Seth Bellamy.** 'As a direct descendant of Vance...removing the monument does not erase my family's legacy, but it does represent a small step toward repairing the harm my family legacy imposed upon this community, which I call home and I deeply love. On behalf of my family, I thank you for your work.' – **Noel Nickle.** 'I would like to see the Vance Monument removed. I think that it is cultural appropriation at its finest...I don't see how you would repurpose what it was originally erected for just by placing a plaque upon it or painting it some different colors. It's not going to change the nature of what it is and who it was erected for and what it [obelisk] is meant to do throughout the Egyptian belief system. I do not believe that it should be kept in the form of fashion that it is...' **– Robert Thomas.** The Task Force then divided into three groups to look at the pros and cons of each option – Remove, Relocate, or Repurpose. We did this as if we were on a debate team and had to speak for both sides of the decision. The list of the pros and cons are in the longer report. These small group assignments were made randomly and in a couple instances landed members in a position group that they didn't originally support. This forced them to consider different perspectives and sides of the issue. We know this is a decision that will not fit everyone's preferences. We especially were thinking of the youth that are 20 years old today and what they will need in 2070. We made this decision in light of these epoch times to address the past and look toward the future. On November 19, by a voice vote of 11-1, the Task Force recommended the removal of the Vance Monument."

Ms. Miles then said "This recommendation is a part of a national reckoning about racial equity that is 400 years in the making. We must match this moment. The Southern Poverty Law Center shares that, prior to 2016, there were some 1800 monuments, plaques and buildings that honored the people and events of the Confederate States of America - about half of them are statues largely in the south. Since the brutal murders at Mother Emanuel in Charleston, 124 statues have come down - 59 since the murders of George Floyd, Breyonna Taylor, Ahmad

62

Arbery and so many others. 19 of those 59 have come down in North Carolina. We are a part of a national movement to end the myth of the Lost Cause and this movement is growing. On December 2, a task force similar to ours in Augusta, Georgia voted to recommend removal of a monument from their town square. Other monuments in the shape of an obelisk have already been removed in Birmingham, Decatur, and New Orleans. I encourage council members and listeners to google such key words as Confederate Statue removal and see where the trend is going. More cities each day are engaged in this process. If you also add the word "obelisk" to the search bar and click on "images" you will see how many Confederate monuments, in the shape of an obelisk, are placed all across the south. National organizations are calling for these removals including the NAACP, The Urban League, Black Veterans, and the National Trust for Historic Preservation. Locally, the task force received letters of support from the Preservation Society, The Arts Council, Carolina Jews for Justice, and the Jewish Community Relations Council. This movement is gaining momentum. We do not want to be home to one of the last standing monuments whose history is connected to a leader of the Confederate States of America on a space that since 1792 has promoted white supremacy. We did not make this decision lightly – and indeed task members went back and forth, some multiple times, on how to move forward. There were respectful discussions and disagreements. All of our public sessions were recorded. I urge you to listen or read the public comment sections with over 50 callers on October 22 and 29 – which are also transcribed on the public platform site. I also urge you to listen to Ms. Simmon's own experience at the square at the November 12 deliberation – also transcribed on the public platform. The task force spent quite a bit of time looking at repurposing the monument. You will see in the pros and cons in the longer report that the concern for a simple repurposing invites a different administration to replace a plaque 10, 20, 30 years from now – and rededicate it for a third time to Vance, as was done in 2015, and the White Supremacy history the whole square represented. We made this decision imagining the years of 2070 and 2120 with the young people who, in June, brought this proposal to you in mind. We did have numerous folks share very creative ideas on how to design a repurposed obelisk. But designing was not the charge you gave us. Our charge was to choose between Remove, Relocate, or Repurpose. I remind you from the original resolution that whatever becomes of this space you indicated to the community and the task force that it would be done through the creativity of people from the African American community – not by the Task Force. The task force reached out to potential sites for the possibility of relocation and quickly realized that the national conversation about relocating involves both logistics and complex reinterpretation for a new narrative that matches the site. One central concern being that they could become pilgrimage sites for those who venerate the memory of the many aspects of the Confederacy and its current neo confederate admirers. We share the financial concerns that have been expressed. There are support organizations that are gearing up to meet this moment. The Mellon Monument Fund has committed $250 million to meet this moment. There will be other funding sources including our local Tourism Development Authority as I believe this is a tremendous opportunity to retell our stories to tourists and enlarge the entrepreneurial base. We were also charged with beginning a list of notable African Americans and events related to our shared history and would like to return on January 26 to present that list. We state that this will not be all-inclusive rather only a beginning from which to work. We also state that the Task Force wishes that the site imbue inclusion for both the indigenous and Cherokee people who have lived here for 10,000 years as well as the larger community of souls who make up our mountain home. We recommend to you that the repurposing of Pack Square be more than the footprint of the monument and be about "Placemaking" from the plaza in front of what was once the whites only Pack Memorial Library – now Asheville Art Museum - towards the front entrance of Biltmore Building including the street that now loops back to Biltmore. I ask council members and folks who are listening to imagine the plaza with the obstruction removed and take in the view of the mountains to the west as full and open to our beautiful home in this "land of sky". We can tell a different story at that spot that will welcome all. We recommend to you that there be an educational component to a reimagining of this public space and suggest that the artists, ethicists, scholars, and changemakers that the Mellon Foundation has organized is a good place to start on this complex reimagining at the heart

of our mountain home. We recommend to you that this historic space – where the first courthouse was erected, where people were sold into enslavement on its steps, where the white's only bathrooms and water fountain stood within many folks living memory, where we have gathered, celebrated, protested, and more be seen as a way to connect both residents and guests to our larger shared story – through entrepreneurial activities across the region. Again, we want to thank the deliberative and courageous work of the Vance Monument Task Force. On their behalf, Ms. Simmons and I thank you for entrusting us with this responsibility. We are humbled by the charge and ask your support of our final recommendations. We are ready to take your questions and comments."

Councilwoman Mosley, former Co-Chair of the Task Force, thanked the Co-Chairs, Task Force members, facilitator and staff on this hard, laborious task. Not only did the Task Force complete their charge, but they also suggested funding ideas where the cost to remove will not rely solely on the government. She has heard from a few employers in the area about what they can do as far as reparations and some are considering donations for this outcome.

Mayor Manheimer agreed that the Task Force did a great job on this task and appreciated the context of their work.

Councilwoman Kilgore too was impressed with the Task Force's time and energy they spent on this task. However, she has some reservation about actually removing the monument. She feels this is a situation where we can bring the community together and not deepen the divide in the City. She said it may be necessary to remove the monument; however, she felt the process was rushed. As an art history major, this monument has a special meaning. She read in the newspaper of the time capsule underneath the monument and inside was the Colored Enterprise, a newspaper from 1897. She said that by allowing them to place that newspaper in the capsule, they were practicing inclusion. She felt the monument is a tremendous piece of art and it is a part of our history. She felt we should build on that history and change the complexion to make it a monument for all people.

Councilwoman Wisler also thanked the Task Force. She is supportive of removing the monument but was concerned about the cost. She also felt we need a plan on what to put on that property if the monument is removed.

Councilwoman Roney also expressed gratitude to the Task Force members. She would support removing the monument.

Councilwoman Turner as well thanked the Task Force for dedicating their time and energy to come up with their recommendation. She supported their recommendation to remove the monument; however, she too was concerned about the cost.

Councilwoman Mosley moved to accept the recommendation of the Vance Monument Task Force, and that we partner with Buncombe County, and direct the City Manager to work with the Buncombe County Manager to develop an execution plan to include ideas for funding. This motion was seconded by Vice-Mayor Smith.

From advanced live call-ins, 12 individuals spoke in support of the Task Force recommendation to remove the Vance monument; and one individual urged Council to leave the Vance monument as it is.

The motion made by Councilwoman Mosley to accept the recommendation of the Vance Monument Task Force, and that we partner with Buncombe County, and direct the City Manager to work with the Buncombe County Manager to develop an execution plan to include ideas for

funding, and seconded by Vice-Mayor Smith carried on a 6-1 roll call vote, with Councilwoman Kilgore voting "no."

Mayor Manheimer said that this will have to come back to council in the future to review the plan information and give further direction.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

A. PUBLIC COMMENT

From advanced live call-ins, 12 individuals spoke to Council, including, but not limited to the following comments: reinstate open live public comments (without pre-registration); defund the police by 50%; disappointment in purchasing weaponry for our police officers; support for removal of Vance monument; opposed to remove Vance monument; urge adoption of resolution to block arms sales that could include parts manufactured in Buncombe County; and need for racial equity to be embedded in all Council actions.

Mayor Manheimer said that the economic development project with Pratt & Whitney Corporation is not within the City limits and the City is not involved in the incentive portion of this project.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:24 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – January 12, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JANUARY 12, 2021, AS "CITY EMPLOYEE HEROES DAY"

Mayor Manheimer read the proclamation proclaiming January 12, 2021, as "City Employee Heroes Day" in the City of Asheville. She said that many of the City of Asheville's employees were identified as frontline and onsite workers, required to work in City buildings and directly in the community. These frontline and onsite workers were asked to continue working on site and in the field in order to provide ongoing service to our community. These employees accepted the increased risks from their jobs and showed up daily to provide critical services to our community. These employees demonstrated their commitment to public service. The City of Asheville recognizes the significant work and sacrifices of our frontline and onsite employees and are especially grateful for their service to the residents of Asheville. On behalf of City Council, she thanked our frontline and onsite City of Asheville employees who have continued to serve the City throughout the COVID-19 pandemic.

City Manager Campbell thanked City Council for recognizing all of our City employees, but especially our frontline workers. She was thankful and appreciative to all our employees for serving our City. In addition, on the Harrah's Cherokee Center - Asheville Marquee they will scroll all City employees' names this week who have been working through this pandemic.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 8, 2020

B. MOTION ADOPTING THE FISCAL YEAR 2021-22 CITY COUNCIL BUDGET CALENDAR

Action Requested: Motion to adopt the Fiscal Year 2021-2022 (FY22) Budget Calendar.

Background:

- As part of the Fiscal Year 2021-2022 Operating and Capital Budget development process staff is proposing a budget schedule.

- In addition to meeting the statutory requirement that the City Council adopt a balanced budget before July 1, 2021, the FY22 budget process is intended to more clearly identify the links between service, program and project investments and community interests.
- Staff have already begun work to develop estimates for ongoing cost to deliver existing programs and services, needed capital infrastructure and facility investments, and major revenue sources.
- Unlike previous years, the process will include a higher level of community engagement as well as consultations with City Council beginning at a retreat and continuing through work sessions with a focus on
    - Integrating with ongoing public engagement efforts building on the 30/60/90 day plan now called Advancing Racial Equity in Asheville.
    - Reviewing key services to identify customer impact.
    - Establishing clear goals to measure desired community outcomes.
- The process culminates with the following actions as required by state law:
    - Formal presentation of the City Manager's Proposed Budget on May 11, 2021.
    - A Public Hearing on the Proposed Budget on May 25, 2021.
    - Budget adoption June 8, 2021.

Council Goal(s):
- A Financially Resilient City
- A Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Provides City Council, staff, and the community with a calendar of upcoming dates related to development of the FY22 budget.

Con(s):
- None.

Fiscal Impact:
- None.

Motion:
- Motion to adopt the Fiscal Year 2021-2022 Budget Calendar.

C. RESOLUTION NO. 21-1 - RESOLUTION RATIFYING AN AMENDED SERVICES CONTRACT WITH GRIFFIN WASTE SERVICES FOR RENTAL AND MAINTENANCE OF PORTABLE TOILETS AND HANDWASHING STATIONS FOR PUBLIC USE

Action Requested: Adoption of a resolution ratifying a $45,000 amendment to the services contract with FusionSite Asheville, LLC (hereinafter referred to as "Griffin Waste Services") and authorizing the City Manager's execution of the amended services contract in the new total amount of $199,000 for rental and maintenance of portable toilets and handwashing stations for public use.

Background:
- Due to the COVID-19 pandemic and resulting closure of public and private buildings in March 2020, portable restrooms and handwashing stations were deployed for public use as an emergency response as per direction from the City-County Emergency Operations Center.

- Griffin Waste Services in Asheville was an existing provider of services to City facilities prior to the pandemic and the only contractor identified in the region with the capacity to fulfill the services required.
- As authorized by the City Manager, a contract was established with Griffin Waste Services in June 2020 for an amount not to exceed $89,000 for rental, routine cleaning, and daily maintenance of the units.
- On September 8, 2020, City Council adopted resolution 20-157 authorizing the City Manager to execute an amended services contract with Griffin Waste Services increasing the total by $65,000, from $89,000 to $154,000, allowing the vendor to perform the work through December 2020.
- The need for portable restrooms and handwashing stations is expected to continue until the COVID-19 emergency declaration is canceled.
- An amended contract with Griffin Waste Services to increase the total by $45,000, from $154,000 to $199,000, will allow the vendor to perform the work through March 2021.

Vendor Outreach Efforts:

- At the start of the pandemic, staff searched for all providers throughout Western North Carolina, Greensboro, NC, Charlotte, NC, and Greenville-Spartanburg, SC, and engaged in a search for national providers including options to lease or purchase equipment.
- Griffin Waste Services, recently merged with Able Rent-a-Jon, was the only local vendor with available capacity.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment
- Emergency Response

Committee(s):

- None

Pro(s):

- Supports basic public health needs during a Pandemic

Con(s):

- None

Fiscal Impact:

- Funding for this contract amendment of $45,000 is coming from Coronavirus Relief Funds (CRF). If operations are continued beyond March 2021, another funding source will need to be identified.

Motion:

- Move to adopt a resolution ratifying the City Manager's execution of an amended services contract with Griffin Waste Services in the amount of $199,000 for rental and maintenance of portable toilets and handwashing stations for public use.

RESOLUTION BOOK NO. 42 - PAGE 77

D. ORDINANCE NO. 4849 - ORDINANCE REAFFIRMING AND EXTENDING ORDINANCE NO. 4801, ALLOWING THE CITY MANAGER TO TEMPORARILY SUSPEND COLLECTION OF CERTAIN FEES AND CHARGES DURING THE COVID-19 PANDEMIC

Action Requested: Adopt an ordinance reaffirming and ratifying the authority delegated to the City Manager under Ordinance No. 4801 to waive or suspend collection of fees on a case-by-case basis in order to address the economic fallout of the COVID-19 pandemic.

Background:

- Many Asheville businesses are either closed or operating in a limited capacity due to the COVID-19 pandemic, creating substantial economic challenges for owners, employees, and customers.
- Some businesses have requested temporary relief from City fees and charges and loan payments in an effort to help reduce their expenses.
- City Council initially delegated authority to the City Manager to defer and/or waive fees in the City's Fees and Charges Manual as well as loan payments owed to the City as necessary to address the economic harms caused by the COVID-19 pandemic on May 12, 2020.
- Because the initial delegation of authority referred to fees and charges appearing in the Fiscal Year 2019-20 Fees and Charges Manual, City staff recommends that Council adopt an Ordinance reaffirming and ratifying its intention that the fee-waiver authority provided for in Ordinance No. 4801 should continue for the duration of the locally declared COVID-19 state of emergency.
- Permit fees typically waived or suspended due to the COVID-19 pandemic include temporary uses, outdoor dining, a-frame signage, push carts, and associated trade permits.

Council Goal(s):

- A thriving local economy.
- A Financially Resilient City.

Committee(s):

- None

Pro(s):

- Facilitates business operations that are able to continue during the COVID-19 pandemic.
- Reduces operating costs for businesses during the COVID-19 pandemic.

Con(s):

- Loss or deferment of revenue to the City.

Fiscal Impact:

- Permits associated with the AVL Shares Space program would not be necessary but for the COVID-19 pandemic. Waiving these fees does not result in actual revenue loss.
- Waiver or suspension of fees for outdoor dining, a-frame signage, and push cart permits is approximately $13,000 in deferred or lost revenue.
- Parking fees, which were included in the Council action on May 12, 2020, have already been reinstated, thus there is no ongoing revenue loss in the Parking Fund.
- Transit fares continue to be suspended at an estimated monthly revenue loss of approximately $58,000. CARES Act revenue will likely be used to offset a portion of this revenue loss.
- The deferral of loan payments does have a slight impact on cash flow in the Housing Trust Fund but no overall financial impact as the amounts will ultimately be repaid as part of the final payment on notes outstanding.

Motion:

- Motion to adopt an ordinance reaffirming and ratifying the authority delegated to the City Manager under Ordinance No. 4801 to waive or suspend collection of fees and loan payments on a case-by-case basis in order to address the economic fallout of the COVID-19 pandemic.

ORDINANCE BOOK NO. 33 - PAGE 199

E. RESOLUTION NO. 21-2 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE TRANSIT SOFTWARE CONTRACT WITH SWIFTLY INC.

Action Requested: Adoption of a resolution authorizing the City Manager to amend the agreement with Swiftly, Inc. in order to increase the Year 3 contract amount by $11,339 for a total cost through Year 3 of $122,082 and to increase the total contract amount by $1.00 for a total contract amount of $179,923.10 through Year 4.

Background:

- City Council approved Resolution No. 20-198 on November 10, 2020, authorizing the City Manager to amend the Swiftly, Inc. agreement in order to increase the contract amount through Year 3 to $110,743 resulting in an increase to the total contract amount to $179,922.10.
- Swiftly, Inc. provides real-time passenger information services.
- The overall contract for the cumulative amount of four years has only changed by $1.00 The annual contract amounts are as follows:
  - Year 1 - FY 2019 = $38,180.00
  - Year 2 - FY 2020 = $30,999.00
  - Year 3 - FY 2021 = $52,902.00
  - Year 4 - FY 2022 = $57,842.10
- The total amount of the contract changed from $179,922.10 to $179,923.10.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- Provides the corrected amount needed through Year 3 of the agreement.
- Provides the corrected total contract amount through Year 4 of the agreement.

Con(s):

- None.

Fiscal Impact:

- Funding for Year 3 of the agreement is included in the adopted Fiscal Year 2020-21 Transit Services operating budget and Funding for Year 4 will be included in the recommended Fiscal Year 2021-22 Transit Services operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the agreement with Swiftly, Inc. in order to increase the Year 3 contract amount by $11,339 for a total cost through Year 3 of $122,082 and to increase the total contract amount by $1.00 for a total contract amount of $179,923.10 through Year 4.

RESOLUTION BOOK NO. 42 -PAGE 78

F. **RESOLUTION NO. 21-3 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CAROLINA SPECIALITIES OF HENDERSONVILLE FOR THE JAKE RUSHER PARK IMPROVEMENT PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the construction contract with Carolina Specialties Construction of Hendersonville for the Jake Rusher Park Project.

Background:

- Extensive unsuitable soils, unexpected buried building debris, and pervasive groundwater were encountered during the installation of the stormwater system at Jake Rusher Park.
- Geotechnical analysis was performed on the site prior to construction.
- Summer rainfall events elevated the groundwater table and had a significant impact on the soil conditions encountered while burying the storm pipe.
- Changed site conditions resulted in excavations that filled with water which was not expected based upon the geotech analysis.
- Dealing with these unexpected site conditions required changes in the pipe installation methodology. A stone base and drains were required to provide a suitable substrate on which to install the pipe.
- Old boilers were also found buried on the site. This equipment was a remnant of a previous site use.
- This was an unexpected discovery but the debris had to be removed in order to complete the work on this site.
- There was no expectation that this type of debris would have been left buried from a previous use.
- These changes resulted in prices that exceeded the originally approved contract and contingency of $1,072,801 by $110,000.
- The original contracted completion date was October 2020. Due to the challenges described in this staff report and other weather related delays, the project will now be completed in the spring of 2021.

Vendor Outreach Efforts:

- This is a change to an existing contract.

Council Goal(s):

- A well planned and livable community.

Committee(s):

- None.

Pro(s):

- Provide needed infrastructure improvements for this South Asheville park which are scheduled for completion in the spring of 2021.

Con(s):

- Unexpected increase in the project cost.
- Unexpected extension of the project schedule.

Fiscal Impact:

- Funding for this contract amendment will come from the Capital Improvement Program (CIP) contingency budget that was previously approved as part of the Fiscal Year 2020-21 Adopted Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the executed construction contract with Carolina Specialties Construction, LLC, in the amount of $110,000 for the Jake Rusher Park Improvements project; with further authorization for the City Manager to execute any change orders that may arise during the remainder of the project up to the amount of $20,000 for total construction contract amount not to exceed $1,202,801.

RESOLUTION BOOK NO. 42 - PAGE 79

G. RESOLUTION NO. 21-4 - RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF A CONTRACT WITH WESTERN CAROLINA RESCUE MINISTRIES INC. TO EXTEND PROVISION OF PURPLE EMERGENCY SHELTER

RESOLUTION NO. 21-5 - RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF A COST-SHARING AGREEMENT WITH BUNCOMBE COUNTY FOR CODE PURPLE EMERGENCY SHELTER

ORDINANCE NO. 4850 - BUDGET AMENDMENT TO PROVIDE CODE PURPLE EMERGENCY SHELTER

Action(s) Requested: Adoption of: 1) a resolution ratifying the City Manager's execution of a contract with Western Carolina Rescue Ministries, Inc. in the amount of $80,000 to extend provision of Code Purple emergency shelter; 2) a resolution ratifying the City Manager's execution of a cost-sharing agreement with Buncombe County for Code Purple emergency shelter; and 3) approval of a budget amendment in the City's Special Revenue Fund in the amount of $80,000 to establish a project budget for this contract to be funded with $40,000 from Buncombe County and $40,000 from pay-go funding previously approved to support affordable housing.

Background:

- Code Purple is a longstanding practice where homeless shelter providers exceed regular capacity and waive regular rules on nights when the temperature or windchill are at/below 32 degrees in order to ensure survival of people experiencing homelessness.
- Code Purple is a community-led initiative that has primarily been coordinated by agencies in the Homeless Coalition.
- COVID-19 has created many challenges for homeless service providers and therefore no emergency shelters were able to participate in Code Purple this winter at their facilities.
- Western Carolina Rescue Ministries, Inc. agreed to operate Code Purple in an off-site location.
- In order to meet these extraordinary circumstances, on December 1, 2020, the City of Asheville entered into an agreement with Western Carolina Rescue Ministries, Inc. to provide up to 50 Code Purple beds at First Congregational United Church of Christ for the month of December.
- Funding for this first month of operations came from Coronavirus Relief Funding (CRF) previously approved by the City Council.
- City staff have been in discussions with Buncombe County and other non-profit organizations to discuss cost-sharing for the extension of the Code Purple shelter.

- Buncombe County has agreed to provide up to $40,000 of funding to assist in keeping the shelter operational this winter.
- The additional funding of $40,000 needed for the contract will come from previously budgeted affordable housing pay-go funding in the City's Capital Improvement Program (CIP).
- Operational costs will be reimbursed at a flat rate of $2,130.00 for each night Code Purple occurs. The contract provides funding for up to 37 nights, in an amount not to exceed $80,000.00, and may be extended if additional need and additional funds are identified.
- A new agreement is required to meet this critical need for the duration of winter.

Council Goal(s):
- A Well-Planned and Livable Community
- A Connected and Engaged Community
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Continues the essential operation of Code Purple
- Supports survival for vulnerable community members
- Addresses public health and safety

Con(s):
- Requires the reallocation of a portion of the City's affordable housing CIP budget.
- Additional funding will be needed if Code Purple exceeds 37 nights.
- Staff is talking to other agencies to obtain additional funding if needed.

Fiscal Impact:
- As noted above, December costs were funded with Coronavirus Relief Funding (CRF).
- The City-funded portion of the estimated cost after December will be funded by reallocating pay-go funding previously planned to support affordable housing to meet potential shelter costs for 37 nights.
- Beyond that, additional funding and partners are required.

Motion(s):
- Motion to adopt (1) a resolution ratifying the City Manager's executed agreement with Western Carolina Rescue Ministries, Inc. in the amount of $80,000 for the ongoing provision of Code Purple emergency shelter; (2) a resolution ratifying the City Manager's execution of a cost-sharing agreement with Buncombe County for Code Purple emergency shelter; and (3) approval of a budget amendment in the City's Special Revenue Fund in the amount of $80,000 to establish a project budget for this contract to be funded with $40,000 from Buncombe County and $40,000 from pay-go funding previously approved to support affordable housing.

RESOLUTION NO. 21-4 - RESOLUTION BOOK NO. 42 - PAGE 80
RESOLUTION NO. 21-5 - RESOLUTION BOOK NO. 42 - PAGE 81
ORDINANCE BOOK NO. 33 - PAGE 200

H. RESOLUTION NO. 21-6 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NATURAL RESOURCES DEFENSE COUNCIL FOR THE PURPOSE OF ADDRESSING THE CITY'S

FOOD POLICY ACTION PLAN THROUGH INCREASED FOOD WASTE REDUCTION EDUCATION IN THE CITY OF ASHEVILLE

ORDINANCE NO. 4851 - BUDGET AMENDMENT FROM THE NATIONAL RESOURCES DEFENSE COUNCIL TO ADDRESS FOOD WASTE REDUCTION EDUCATION

Action Requested: Adoption of a resolution authorizing the City Manager to accept funding in the amount of $16,100 from Natural Resource Defense Council (NRDC) for the Office of Sustainability's food policy and waste reduction work, and a budget amendment in the amount of $16,100 to appropriate the funding in the City's Office of Sustainability budget.

Background:

- In November 2017, Asheville City Council approved the Municipal Food Policy Goals and Action Plan by adopting Resolution 17-257.
- The adopted plan includes six focus areas. This project will address the "Resource Stewardship" focus area which prioritizes city-wide waste reduction.
- Within the resource stewardship focus area, the plan outlines a need to create an actionable plan for city food waste recovery, composting, and redistribution.
- Project efforts will include:
    - Public Food Waste Reduction statement
    - Snapshot food waste audits at city facilities
    - Community compost drop off pilot program
    - Public outreach and education campaign, with a goal of reducing food waste within the Asheville community.
- Through a competitive process, NRDC has selected the City of Asheville's Office of Sustainability to participate in a Southeast regional cohort with Atlanta, Memphis, Nashville, and Orlando to develop food waste reduction initiatives.
- The City of Asheville's Office of Sustainability will pilot four strategies to increase food waste reduction and educate residents on opportunities for decreasing residential and commercial food waste.
- Grant funds will be utilized to engage the community through outreach, education, and program opportunity strategies.
- NRDC Grant recipients are not required to provide a cash match.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment
- A connected and engaged community

Committee(s):

- Although the grant was not routed through the Sustainability Advisory Committee, members of the committee are working with staff to help implement the grant.

Pro(s):

- Helps support City's Food Policy Action Plan Resolution 17-257 while leveraging NRDC funding
- Addresses Resolution 14-27 Asheville's Waste Reduction Goal
- Engage with regional partner cities to connect, collaborate, and share best practices

Con(s):

- None

Fiscal Impact:

- None; there is no required City match

Motion:

- Motion to approve a resolution authorizing the City Manager to accept funding from the Natural Resource Defense Council, and a budget amendment in the amount of $16,100 to appropriate the funding in the City's Sustainability Fund.

RESOLUTION BOOK NO. 42 - PAGE 82
ORDINANCE BOOK NO. 33 - PAGE 201

Greenleaf Clarke explained why they were opposed to the adoption of the December 8, 2020, minutes; the adoption of the Fiscal Year 2020-21 City Council budget calendar; and the adoption of the amended contract with Griffin Waste Services.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Smith moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

City Manager Campbell said that she will have two updates for her report - capital project update, and status of relief for non-payment utility shutoffs.

Capital Project Update

Capital Projects Director Jade Dundas provided a capital project update. Key takeaways of this update include (1) There is a lot of work planned, also a lot that needs to be done; (2) New project requirements are making projects more expensive; (3) There are many competing demands on City funds; (4) Funds and funding sources are limited; and (5) New budget requests will consider resource needs over a 5 -10 year period. He then reviewed the project details of project construction, project development and types of projects.

Using pictures, Mr. Dundas showed some projects completed - the Haywood Street Sidewalk Replacement and Streetscape Project; River Arts District; Essie's Bridge Greenway Connector; Reed Creek Greenway Connector, Grove's Vision Marker, Shiloh Recreation Center Sport Court, Richmond Hill, ART Transit Station Remodel and PV Installation. Old Toll Slide, Charlotte Street Road Diet, 2020 Resurfacing; Kenilworth Road/Rosefield Drive Culvert Replacement, Shelburn Roof Repairs, Bus Shelters and Traffic Calming; and North Fork Dam.

2021 look ahead include (1) Sidewalks - Onteora, Overlook Road, Airport Road and Gerber Road; (2) Greenways - Nastybranch (former Townbranch) and French Broad River West; (3) Parks - Dr. Wesley Grant Center, Memorial Stadium Turf Replacement, Weaver Park Bridge Replacement, and Pack Square Fountains; (4) Affordable Housing - continued site development and construction - 319 Biltmore; (5) Public Works - road resurfacing, sidewalk maintenance, and stormwater system maintenance; (6) Building Construction - City Hall elevator modernization, City Hall belfry repair, Public Works roof replacement, Shiloh HVAC upgrade, and Broadway public safety station; and (7) Water - annual main replacement and plant renewal.

In the future you can expect (1) community input and participation; (2) construction contract approval requests; (3) design contract approval requests; and (4) Capital Improvement Plan budget development. In addition, he noted that there is the Capital Projects Dashboard on the City's website.

Update on Status of Relief for Non-Payment Utility Shutoffs

Water Resources Director David Melton provided an update on the status of relief for non-payment utility shut-offs. They are in compliance with the Governor's Executive Order and provided a timeline of implementation. He noted there is an extension of relief for non-payment utility shutoffs.

Mr. Melton said that the City of Asheville remains dedicated to ensuring that all water customers have access to clean drinking water and are able to practice good hygiene by washing their hands frequently. The City of Asheville has followed Governor Roy Cooper's Executive Orders, but exercised more leniency. The City extended the Executive Order expiration time-lines to facilitate communication with customers.

The timeline is as follows: (1) March 13, 2020 — In light of the pandemic, the City of Asheville suspended non-payment utility shut-offs; (2) March 31, 2020 — NC Gov. Executive Order 124 officially suspends utility non-payment shut-offs; (3) July 28, 2020 — NC Gov. Executive Order regarding utility non-payment shut-offs expires; (4) On August 18 — The City of Asheville resumes utility non-payment shut-offs for customers that entered in arrears after that date; (5) The City also took the proactive step to protect approximately 4,400 customer accounts that were delinquent between March 13, 2020 and August 18, 2020 in accordance with the Governor's Executive Order; and (6) These accounts will remain protected until February 18, 2021. He said all customers that were in arrears between March 13, 2020 and mid-August 2020 have their accounts protected until February 18, 2021, in accordance with the NC Gov. Executive Order. Public outreach through the City's CAPE Department and Water Resources Customer Service Division continues to encourage customers in this protected group to take advantage of payment plans and other options to move their accounts out of arrears before February 2021. Payment plans are a standard option offered by the City and is available to all customers.

Regarding the moratorium extension (1) Understanding the continuing economic hardships caused by the COVID-19 pandemic, the City of Asheville is discontinuing non-payment shut-offs for utility bills that have become delinquent after August 18, 2020, until February 18, 2021; (2) This pause will give customers relief during the new mandated restrictions and provide the opportunity to map out the pathway moving forward; and (3) We understand that many of our residents continue to experience economic fallout from the pandemic, and we look forward to helping everyone who has been financially challenged due to the pandemic to the extent possible.

Regarding next steps (1) once the automatic 6-month extension expires on February 18, all customers will be eligible to be cut; (2) this will also apply to customers whose accounts became delinquent during January to February 2021 pause in non-payment disconnects; and (3) after February 18, we will reassess and determine if additional action or time is needed.

Since the City also collects MSD fees on the City's water bill, in response to Councilwoman Wisler, Mr. Melton said that MSD is being amenable to all our suggestions for relief.

In response to Councilwoman Kilgore, Mr. Melton said that last week there are approximately 34 accounts off for non-payment and the staff will need to see if the residences are still occupied because some are noted as move-outs.

Councilwoman Roney was still concerned about what will happen on February 18 and urged Council to lead this pathway forward and not wait. In response, City Manager Campbell said that they are looking at resources that might be available to address the debt that people are encumbering now, not just extend and delay shutoffs, because the debt will remain.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY KNOWN AS VELVET STREET

Streets Division Manager Chad Bandy said that this is a public hearing to consider permanently closing a portion of right-of-way known as Velvet Street. This public hearing was advertised on December 18 and 25, 2020, and January 1 and 8, 2021.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Fifty-Five South Market, LLC has petitioned for this closure. They are the owners of the property known as 55 S. Market St., PIN# 9648-59-0637.
- The right-of-way is a former City of Asheville street.
- This closure will not impede any future use of this right-of-way.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. This area will be used as the means of egress from the building to the public sidewalk as required by fire code.
- This closure allows for the life safety stairs to the public way to remain as constructed.
- A resolution to set this public hearing was adopted on December 8, 2020, and signs were placed at two locations along Velvet Street.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: Recommended closing the right-of-way by unanimous vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent property.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:50 p.m.

Mayor Manheimer announced that there was one advanced live call-ins for this public hearing item; however, that person did not join into the meeting. When Councilwoman Roney

asked if staff could contact the person who signed up in advance to speak, staff said that they have reached out to the caller and the caller has not responded.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Kilgore moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

B. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF COURTLAND AVENUE AND HOUSTON STREET

Streets Division Manager Chad Bandy said that this is a public hearing to consider permanently closing a portion of right-of-way at the intersection of Courtland Avenue and Houston Street. This public hearing was advertised on December 18 and 25, 2020, and January 1 and 8, 2021.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Youngblood and Sarah Haske have petitioned to close this right-of-way.
- They are the owners of 137 Houston Street, PIN #s 9639-90-3085 and 9639-90-3979.
- The Haskes have agreed to grant the City of Asheville an 11.5-foot easement from the new right-of-way line into the property.
- This easement will be for future sidewalk, water, and stormwater projects.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. Current plan is to recombine the two properties. Future use would be to add an auxiliary dwelling unit; however, no plans prepared at this time.
- This closure will allow for the recombination of parcels while removing the excess unused portion of right-of-way from the parcels.
- On December 8, 2020, a resolution of intent to hold this public hearing was passed and the portion of right-of-way was prominently posted in two locations along this right-of-way.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: unanimously supported the closure of the right-of- way with the condition of an 11.5' easement remaining for future City of Asheville use.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mr. Youngblood Haske, petitioner, explained why he was asking for this closure and asked Council to support his request to close. He said that since his neighbor moved in next door in 2017, they have experienced his unusual and aggressive behavior in a manner where he lurks in and destroys this very City right-of-way as a means to torment and harass them. He said they feel that if the closure is approved, they will be able to better define their property and avoid ongoing issues with their neighbor. He said no other property owner will be affected by this closure.

Mayor Manheimer opened the public hearing at 5:59 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Turner moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

C. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

Streets Division Manager Chad Bandy said that this is a public hearing to consider permanently closing a portion of an unopened right-of-way known as Trade Street. This public hearing was advertised on December 18 and 25, 2020, and January 1 and 8, 2021.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Meinch Construction, Inc. has petitioned to close this right-of-way. They are the owners of 99999 Trade St, PIN # 9638-98-2756. Joining this petition are Butler and Celeste Wiltse. They are the owners of 28 Trade St., PIN # 9638-98-3860.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.
- This closure allows for the development of 99999 Trade St by providing more room for construction by adjusting the property lines.
- The right-of-way is needed to provide the required screening in the back of the property for 4 residential units that will front on Roberts Street.
- A resolution to set this public hearing was adopted on December 8, 2020, and signs were placed at two locations along Trade Street.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: Supported closing the right-of-way by unanimous vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.

- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):
- None noted.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 6:02 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Mosley moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

D. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO ARTICLES II AND XVI OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE DEFINITIONS AND REGULATIONS RELATED TO HOMESTAYS

Councilwoman Wisler moved to continue this public hearing until March 23, 2021. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

E. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 32.2 ACRES OF PROPERTY LOCATED AT 99999 SAND HILL ROAD FROM COMMERCIAL INDUSTRIAL DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE FOR AN APPROXIMATELY 130,000 SQUARE FOOT WAREHOUSE AND DISTRIBUTION FACILITY AND SURFACE PARKING AND VEHICLE STORAGE AREAS, ALONG WITH A CHANGE IN THE FUTURE LAND USE MAP FROM URBAN CENTER TO EMPLOYMENT/ANCHOR INSTITUTION CENTER

When Mayor Manheimer said that no Traffic Impact Analysis (TIA) has been reviewed by the City, Councilwoman Turner and Councilwoman Wisler said they would be okay in moving into the public hearing phase; however, they want to make sure that as soon as the TIA and recommendation from the N.C. Dept. of Transportation (NCDOT) is available, that it is provided to City Council. Councilwoman Turner felt that when the application is reviewed by City Council, it should have the TIA included.

Principal Planner Shannon Tuch said that the TIA has been completed and sent to the NCDOT; however, staff has not heard the results. She did note that in the B.1 conditions, there is a condition that the applicant will be required to complete any recommendations identified through the TIA review process. She did note that most likely, those recommendations will be off-site and affect the roads around the project.

Ms. Tuch said that this is the consideration of an ordinance to conditionally zone 32.2 acres of property located at 99999 Sand Hill Road from Commercial Industrial District to Commercial Expansion/Conditional Zone for an approximately 130,000 square foot warehouse and distribution facility and surface parking and vehicle storage areas, along with a change in the

Future Land Use Map from Urban Center to Employment/Anchor Institution Center. This public hearing was advertised on January 1 and 8, 2021.

Project Location and Contacts:

- The project site consists of a portion of a larger 45.4 acre parcel located at 99999 Sand Hill Road (PIN 9617-43-0440).
- Owner: Enka Partners of Asheville.

Summary of Petition:

- The applicant is proposing to build an approximately 130,000 square foot single-story warehouse building with an overall height of 48 feet.
- The application is for a rezoning via conditional zoning due to the size of the building, and includes a site plan and conditions proposed by the developer.
- 926,807 square feet or 21.3 acres (61% of the site) is covered with an impervious surface.
- The project includes 34.87 acres of disturbance with 3.17 acres of that disturbance occurring off-site for the purpose of constructing the access road and an above ground detention basin
- The site will obtain access via a new road construction off of Enka Heritage Way, which will connect to Smokey Park Highway (US 19/23) via a newly constructed bridge.
- A traffic impact analysis is required with the N.C. Dept. of Transportation to review and approve.
- The Enka Heritage Trail greenway and easement is planned to run along the west side of the property as identified on the landscape plan.
- Hominy Creek and tributaries are nearby, but off-site of the project area.
- 278 employee surface parking spaces are provided (including seven ADA spaces) as permitted by the City's Unified Development Ordinance (UDO).
- 696 van storage spaces are also shown and are classified as outdoor vehicle storage.
- Sidewalks and/or striped pedestrian pathways connect the parking areas to the building; additional sidewalk is provided along the access drives and around the building and range in size from four feet to 12 feet wide.
- A wider 18 foot pedestrian/loading zone is located in front of the building.
- An existing historic clock tower is currently protected under Ordinance No. 3921 (2010) and is shown on the site plan and B1 conditions to be protected and preserved.
- If approved, the new ordinance will supplant the 2010 Ordinance.
- While historic, the tower is not a designated landmark or identified as a contributing structure to a registered historic district.
- Other key site features include:
    - Permanent and construction easements for a segment of the Enka Heritage Trail Greenway.
    - 15 percent of the site is set aside as open space.
    - 10 to 11 percent of the site will be reforested to meet tree canopy requirements, the remaining nine to 10 percent will be provided through a fee-in-lieu.
    - A portion of a new road (Enka Heritage Way) will be constructed as part of this project and maintained by NCDOT, connecting Smokey Park Highway (US 19/23) to Sand Hill Road.
- The project does not comply with the zoning standards in the following ways:
    - Commercial Expansion requires 10 foot wide sidewalks throughout; the proposed plan provides a range of sidewalk widths from four to 12 feet wide.
    - Commercial Expansion requires operable pedestrian entrances every 75' along the primary facade; operable entrances will be provided as shown on the approved building elevations.
    - Parking lot islands must maintain an average width of 10 feet; most islands will average nine feet wide as shown on the approved site plans.

- Outdoor site lighting shall maintain a Backlight-Uplight-Glare ("BUG") rating of B3-U0-G3; approximately two thirds of onsite pole luminaires will be type 5 (360 degree) lamps which have a BUG rating of B4-U0-G2.

Comprehensive Plan Consistency:

- This proposal is consistent with the *Living Asheville Comprehensive Plan* themes of a "Livable Built Environment" and "Resilient Economy" by aligning with the following goals:
  - Encourage Responsible Growth by directing growth in designated growth areas that provide access to housing, transportation, goods and services, and employment opportunities.
  - Promote Great Architecture and Urban Design to Enhance Placemaking by encouraging the preservation of the historic Enka community clock tower.
  - Make Streets More Walkable, Comfortable and Connected by preserving the opportunity for future greenway construction.
  - Facilitate Real Estate Development that Maximizes Public Benefit by locating an employment opportunity in areas slated for future growth and in proximity to transportation and recreation facilities.

The growth scenario maps all identify the areas around the intersection with Sand Hill Road and Smokey Park Highway as employment/anchor institution centers suitable for higher density/intensity development.

Compatibility Analysis:

- The proposed zoning and land use is compatible with the surrounding zoning and uses.
- South of the subject property is industrial (IND) zoned property that supports an active manufacturing plant; to the west is additional IND zoned property that supports the AB Tech Community College; to the east is a mix of industrial and warehouse uses located in Buncombe County and zoned Employment (EMP); and to the north across Smokey Park Highway is a mix of highway oriented commercial businesses zoned Highway Business (HB).
- The proposed development's warehouse and distribution use contributes to the employment center that already exists in this location and is well located for access to transportation corridors.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Technical Review Committee (TRC) - November 16, 2020 - approved with conditions
- Planning & Zoning Commission (PZC) - December 2 and 17, 2020 - recommend approval

Fiscal Impact:

- The proposed road improvements are not in the City's jurisdiction and will not be city maintained, while other service costs and are expected to be offset by anticipated property tax revenue (approximately $130,000 annually, based on an initial investment of $30 M). This project also supports the Asheville economy by providing approximately 115 full time, 50 part time, and 190 delivery service driver jobs (drivers are third party contractors).

Ms. Tuch said that on the Site Plan, it shows 278 employee parking spaces, 696 van storage spaces, landscaping (parking lot, building impact), 21.3 acres (61%) of impervious surfaces, bioretention cells in parking lot + 2.3 acre pond, sidewalks (4-12' wide, throughout site), tree preservation (reforest 10% + fee-in-lieu), open space, historic historic clock tower preserved

and protected, greenway easements (to be coordinated with Buncombe County), access via new road construction, and bike lanes.

The conditions, in general (1) one-story warehouse and distribution facility (a) approximately 130,000 square feet; (b) 278 employee parking spaces; (c) 696 van parking/storage spaces; (d) 31.7 acres of disturbance; and (e) landscape, open space and tree preservation requirements met; and (2) two access points from Enka Heritage Way (a) a Traffic Impact Analysis required and reviewed by the N.C. Dept. of Transportation - any recommendations must be met; and (b) the new roadway and bridge will be maintained by the N.C. Dept. of Transportation.

Modifications/exemptions from the conditions include (1) sidewalk width (varies 4-12' throughout); (2) tree island width (9' minimum); (3) spacing of pedestrian entrances (further than 75 feet apart); and (4) backlight rating exceeded (4 instead of 3) on most parking lot lights.

In response to Councilwoman Wisler, Ms. Tuch provided information on why this area would have been identified as a future urban center, noting that there is tech and industrial property around it.

When Councilwoman Roney asked about the annual property tax, Ms. Tuch said that the estimated amount is approximately $130,000, which will more than offset the City's serve needs to this property.

Mr. Brian Hall, Director of Development of Samet Corporation, said that jobs range in scale beginning at a minimum of $15.00/hour. There will be 115 full-time employees, 50 part-time employees and 190 service delivery drivers or independent delivery contractors, for a total of 355 jobs. Full-time employees begin benefits the first day hired and they include medical, dental and vision. This is a brownfields site and they are complying with the brownfields program. They have a work plan to be able to accommodate their proposed project into the N.C. Dept. of Environmental Quality for approval in accordance with the brownfields agreement. That involves creating, developing and constructing this site to protect against future environmental issues as well as allowing the site to move forward from its past of environmental contamination. Scopes of work include mitigation systems and barriers to protect the building. In the vehicle storage area, in addition to the bioretention cells and the landscaping islands and the trees, they have included in their plan an electrical conduit underneath that entire outdoor store area to allow a charging station at each one of the van parking spaces. In the future, as the electric vehicles are manufactured and available, the expectation is for that entire fleet of delivery service vehicles to be electric and to be able to be plugged in. They are investing roughly $3.5 Million now on that electrical conduit to be able to accommodate those electric vehicles as they become available. As part of the project on the construction side, they will adhere to the construction pollution prevention plans on site, including erosion control and stormwater quantity and quality retention on site. In addition to the commitment to the greenway and preservation of the historic clock tower, they will be happy to reforest and replant 10% of trees on the site that doesn't really have any. Regarding the TIA, that was completed three weeks ago and submitted to the NCDOT. The NCDOT said they would respond by January 19. He noted that they have committed upfront that any recommendation from the NCDOT for traffic mitigation will be incorporated into their plan.

Mayor Manheimer opened the public hearing at 6:41 p.m.

From advanced live call-ins, 3 individuals spoke in support of this project.

In response to Councilwoman Roney, Mayor Manheimer said that at the January 26 meeting when this vote will be taken, there will be an opportunity for Council to deliberate, but there will be no future public comment. However, she did note that the public is able to submit

written comments on any public hearings 24 hours after the hearings and City Council will be provided with those comments.

In response to Councilwoman Turner, Mr. Hall said that the electric delivery vehicles should be available in 24-36 months and once those have been acquired, they want to immediately switch over to all electric service vans. Regarding solar, their plans include construction of the building roof to be capable of holding solar panels. But since the electrical service for the building and vehicles is a complex electric system, they also anticipate 24-36 months to have the solar panels installed.

When Councilwoman Turner asked about the traffic impact, Mr. Hall said that the facility would receive approximately 16 truckloads a day, which would be 16 truck movements in and out a day to supply to the facility. They often come in during the evenings hours to restock. The products in the building are then loaded on the delivery service vehicles, generally in the morning, and then dispersed throughout the day. Often, there is a second shift later in the day, based on customer demand.

Mayor Manheimer wondered if there has been an analysis done on the number of miles driven by consumers to pick up their goods vs. having the delivery truck deliver the goods.

When Councilwoman Turner and Councilwoman Roney expressed concern about losing land that could be used for affordable housing, Mr. Hall stated that the brownfields agreement in place for that site specifically states that residential is not allowed based on its previous contamination. In addition, Assistant City Manager Cathy Ball noted that the property is deed restricted against residential.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Kilgore moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

F. PUBLIC HEARING ON PROPOSED CIVIL SERVICE BOARD SUBSTANTIVE RULES

Interim Human Resources Director Shannon Barrett said that this public hearing on the Civil Service Board Substantive Rules was advertised on January 1 and 8, 2021.

Action Requested: Public hearing on Approval of Civil Service Board Substantive Rules

Background:

- The Asheville Civil Service Act provides that the Civil Service Board ("CSB") "shall make . . . substantive rules for promoting efficiency in the classified service of the City."
- The act further provides that the City Council, after giving members of the classified service and citizens of Asheville an opportunity to be heard at a public hearing, shall act upon the proposed rules and amendments, which become effective upon approval by a majority vote of the Council.
- On December 3, 2020, the CSB voted to approve substantive rules clarifying important aspects of the City's personnel administration and the Board's jurisdiction, including definitions of terms (such as demotion, discharge, due process,and suspension), important to the City's personnel administration and the Board's standard of review for grievance hearings.

Pro(s):

- Will provide employees, the City, and members of the Board with clarity about the types of employment actions falling under the Board's jurisdiction, as well as the standards the Board uses when determining whether a complaint of employment action is justified.

Con(s):
- None

Fiscal Impact:
- None

Deputy City Attorney John Maddux said that the Civil Service Act passed in 1953 and it applies only to the City of Asheville. Two it has two main functions (1) review promotional criteria in Police & Fire Departments and (2) hear certain employee grievances. The Civil Service Act was revised in 2009 that required that the Civil Service Board pass substantive rules, subject to amendment and adoption by City Council. Procedural rules were adopted in 2013 and a subcommittee was formed in 2014; however, rules were not finalized. The lack of substantive rules is not an issue for day-to-day administration since employees operate under City Manager administrative and departmental rules. Clarification is needed for how the Civil Service Board will resolve issues in grievance hearings - to define common terms and clarify hearing standards. In 2020 the Civil Service Board and City staff collaborated on development of substantive rules (1) engaged proactively with employee associations; and (2) agreement that engagement should value accountability and respect for employees' due process rights.

Ms. Barrett reviewed the following definitions (1) Classified Service - city personnel as defined in the Civil Service Act, which includes personnel below the Assistant Department Director level; (2) Demotion - involuntary and permanent reassignment into a position in a lower pay grade; (3) Discharge - involuntary and permanent separation from employment with the City due to violation of a City policy or unsatisfactory work performance; (4) Entitled - an absolute right to a promotion or a raise in pay automatically due to employee based on specific criteria, i.e., time in service, educational attainment, etc.; (5) Suspension - involuntary and temporary unpaid leave of more than 14 calendar days; (6) Transfer - involuntary and temporary reassignment into a position in a different City department; (7) Due Process - notice of allocations and an opportunity to be heard by a department director prior to a decision, and if the employee utilizes a disciplinary matrix, discipline that accords with that matrix; and (8) Probationary Employees - newly hired, rehired, promoted, or voluntary transferred employees are probationary employees for 365 calendar days.

Mr. Maddux said that regarding grievance hearing standards - justified means (1) two part test (a) employee received due process, and (2) employee violated a City or departmental policy, rule or code of conduct, according to abuse of discretion standards; and (2) abuse of discretion - a decision that is clearly unreasonable, erroneous, or arbitrary.

Councilwoman Wisler, liaison to the Civil Service Board for seven years, felt this is a long-time coming and thanked City staff for their hard work on bringing this forward.

Mr. Maddux responded to Councilwoman Kilgore regarding the probation period of 365 calendar days.

Mr. Maddux responded to Councilwoman Roney who asked if this item was reviewed by a City Council Committee or were there opportunities for the public to engage in this process. In addition, she asked the reason for the dissenting vote by the one Civil Service Board member. Mr. Maddux did not want to speak for the dissenting Civil Service Board member; however, he felt that the member felt this took away too much of the Board's discretion and put it in the hands of department directors. Staff felt that this is putting more discretion in the department directors who

actually oversee the employee, but there is still a role for the Civil Service Board. Regarding public engagement, employee associations for police officers and firefighters were engaged, as well as working with the City's HR department on behalf of all employees. City Attorney Branham noted that for some time we have been working closely with a lot of neighborhood advocacy groups as well as a number of individuals regarding global efforts to deal with several aspects of employee accountability, in particular the Asheville Police Department. The mutual goal has been to improve the City's ability to hold employees accountable when warranted, while still protecting the due process rights of employees. This effort has been one aspect of that broader initiative, and multiple public advocacy groups have been a part of these discussions.

Councilwoman Roney requested information on engagement of community partners who have been at the table regarding the Civil Service Board, with Councilwoman Turner suggesting some analysis of what we have and what this changes.

Councilwoman Wisler noted that she talked with a representative of the racial justice coalition about the changes.

Mr. Maddux noted that he received an email from a community member and he provided a very extensive response, asking him to contact him if he had questions. He felt the process was transparent in that there were several Civil Service Board meetings. Councilwoman Turner noted that the community member did state that he felt the changes were moving in the right direction.

Vice-Mayor Smith felt that we need to reach out to people who have the specific skill set and a deeper level with those who are familiar with due process or legal definition.

Mayor Manheimer felt that these rules are more about process and are administratively oriented since these are internally process rules.

Mayor Manheimer opened the public hearing at 7:53 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Wisler moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Vice-Mayor Smith said that the Boards & Commissions Committee voted 2-1 (her being the dissenting vote) to reappoint Joyce Brown, Patricia Griffin and James Carter to the Asheville City Board of Education. However, she moved the direct the City Clerk's Office to advertise for the three seats and accept applications (current members included in this process), with the Boards & Commissions Committee to review applications at their February 9 meeting, at which time they will determine if essay questions and interviews should be a part of the appointment process. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

There was a brief discussion and instruction to set up a meeting with the City Council, Buncombe County Board of Commissioners and Asheville City Board of Education in order to discuss the process for an appointed vs. an elected School Board and to broach the idea of going to the legislature to make that change. Councilwoman Roney noted that we must make our three appointments by April 1.

Regarding the Audit Committee, no one from the City of Asheville applied for the vacancy, so it was the consensus of Council to re-advertise.

Regarding the Asheville Area Riverfront Redevelopment Commission, no one applied for the vacancy, so it was the consensus of Council to re-advertise.

RESOLUTION NO. 21-7 - RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Affordable Housing Advisory Committee.

Sage Turner has resigned, thus leaving an unexpired term until September 1, 2022.

The following individuals applied for the vacancy: Rodrigo Afanador, Damita Jo Wilder, Eric Howell, Michael G. Waddle, Joshua Katz, ZaKiya Bell-Rogers, Henry Sannyasa, Cyd Jaggers, Chris Woodward, DeLores Venable, Jessica Montanez, Shannon M. Watkins, Barbara Ann Philip and Chris Day.

The Affordable Housing Advisory Committee Board chair recommended Chris Day. The Boards & Commissions Committee recommended appointing Barbara Ann Philp.

Vice-Mayor Smith moved to appoint Barbara Ann Philip as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Ms. Turner, term to expire September 1, 2022, or until her successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 83

RESOLUTION NO. 21-8 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the African American Heritage Commission.

S. Antanette Mosley has resigned, thus leaving an unexpired term until July 1, 2022.

The following individuals applied for the vacancy: Thomas Ryan, Dewayne McAfee and Beverly Miller.

The African American Heritage Commission and the Boards & Commissions Committee recommended appointing Beverly Miller.

Vice-Mayor Smith moved to appoint Beverly Miller as a member of the African American Heritage Commission, to serve the unexpired term of Ms. Mosley, term to expire July 1, 2022, or until her successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 84

RESOLUTION NO. 21-9 - RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Alcoholic Beverage Control (ABC) Board.

The terms of Robin Cape and John Menkes expired on November 13, 2020. In addition, Januarie West has resigned, thus leaving an unexpired term until November 13, 2021.

The following individuals applied for the vacancy: Sharon West, Robin Cape, Meaghan Austin, James J. Spencer, Keaton Edwards, David Angelus, Gregory Hill, Bill Kopp, Harry Michael Lanning, George Tsiros, Jeff Irvin, Nian W. Ivery and Johnnie N. Grant.

On December 8, 2020, it was the recommendation of the Boards & Commissions Committee and consensus of City Council to re-advertise for these seats.

The ABC Board recommends reappointment of Robin Cape, and recommended Sharon West, George Tsiros, Jeff Irvin or David Angelus. Boards & Commissions Committee recommended reappointing Robin Cape; and appointing Sharon West and Nian W. Avery.

Vice-Mayor Smith moved to (1) reappoint Robin Cape as a member to the ABC Board, to serve a three-year term, term to expire November 13, 2023, or until her successor has been appointed; (2) appoint Sharon West as a member of the ABC Board, to serve a three-year term, term to expire November 13, 2023, or until her successor has been appointed; and (3) appoint Nian W. Avery to serve the unexpired term of Ms. Januarie West, term to expire November 13, 2021, or until her successor has been appointed. This motion was seconded by Councilwoman Roney and carried on a 6-1 roll call vote, with Councilwoman Wisler voting "no".

RESOLUTION BOOK NO. 42 – PAGE 85

RESOLUTION NO. 21-10 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Board of Adjustment.

The terms of Phillip Hardin (Regular member), Paul Wilczynski (Regular member), John Michael Kledis (Alternate member) and Suzanne Godsey (Alternate member) expire on January 21, 2021. In addition, due to a discrepancy between the Unified Development Ordinance and Session Laws, City Council should appoint another Alternate member. (Buncombe County now appoints only one Regular and one Alternate member - not two Alternate members).

No individuals applied for the vacancies.

Boards & Commissions Committee recommended reappointing Paul Wilczynsky (Regular Member), Suzanne Godsey (Regular Member) and John Michael Kledis (Alternate Member). In addition, it was their consensus to re-advertise for the remaining two Alternate seats.

Vice-Mayor Smith moved to (1) reappoint Paul Wilczynsky (Regular member) to the Board of Adjustment to serve an additional three-year term, term to expire January 21, 2024, or until his successor has been appointed; (2) appoint Suzanne Godsey (Regular member) to serve

an additional three-year term, term to expire January 21, 2024, or until her successor has been appointed; (3) reappoint John Michael Kledis (Alternate member) to serve a three-year term, term to expire January 21, 2024, or until his successor has been appointed; and (4) re-advertise for the two remaining Alternate seats. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 86

RESOLUTION NO. 21-11 - RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Downtown Commission.

Pamela Winkler has resigned, thus leaving an unexpired term until December 31, 2021. In addition, the terms of Andrew Fletcher, Kimberly Hunter and Steven Lee Johnson expired on December 31, 2020.

The following individuals applied for the vacancy: Joy Wilson, Tal Frankfurt, Douglas Buchalter, Guillermo Rodriguez, Clair Greear and Ricardo Seijp.

The Downtown Commission and the Boards & Commissions Committee recommended rappointing Andrew Fletcher, Kimberly Hunter and Steven Lee Johnson and appointing Guillermo Rodriguez.

Vice-Mayor Smith moved to (1) reappoint Andrew Fletcher, Kimberly Hunter and Steven Lee Johnson to the Downtown Commission, to each serve an additional three-year term respectively, terms to expire December 31, 2023, or until their successors have been appointed; and (2) appoint Guillermo Rodriguez as a member of the Downtown Commission, to serve the unexpired term of Ms. Winkler, term to expire December 31, 2021, or until his successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 87

RESOLUTION NO. 21-12 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission.

Zakiya Bell-Rogers, Nicole Townsend and Daniele Martin have resigned as members of the Human Relations Commission, thus leaving unexpired terms until June 1, 2021.

The following individuals applied for the vacancy: Suzy Chandler, Bennie Lee Miller, Alexandra DiSclarfani, Britni Worley, Ricky McGrath, Emma Nichole Worthy, Melanie Noyes, Tim Collins and Daniel Young.

The Human Relations Commission and the Boards & Commissions Committee recommended appointing Daniel Young, Susy Chandler and Melanie Noyes.

In response to Councilwoman Turner, Councilwoman Roney, newly appointed liaison to the Human Relations Commission, said that she does not have any information on the reasons

for the three vacancies; however, the City Clerk's Office does send outgoing members with an exit interview form, which are then sent to City Council.

Vice-Mayor Smith moved to (1) appoint Daniel Young as a member of the Human Relations Commission to serve the unexpired term of Ms. Bell-Rogers, term to expire June 1, 2021, and then a full two-year term, term to expire June 1, 2023, or until his successor has been appointed; (2) appoint Susy Chandler as a member of the Human Relations Commission to serve the unexpired term of Ms. Townsend, term to expire June 1, 2021, and then a full two-year term, term to expire June 1, 2023, or until her successor has been appointed; and (3) appoint Melanie Noyes as a member of the Human Relations Commission to serve the unexpired term of Ms. Martin, term to expire June 1, 2021, and then a full two-year term, term to expire June 1, 2023, or until her successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 88

RESOLUTION NO. 21-13 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Metropolitan Sewerage District Board of Directors.

The term of Gwen Wisler expires on January 19, 2021.

No individual applied for the vacancy.

Boards & Commissions Committee recommended reappointing Gwen Wisler.

Vice-Mayor Smith moved to reappoint Gwen Wisler as a member of the Metropolitan Sewerage District Board of Directors, to serve an additional three-year term, term to expire January 19, 2024, or until her successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 89

RESOLUTION NO. 21-14 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Multimodal Transportation Commission.

The term of Rich Lee (at-large representative) expired on July 1, 2020. Michael Stratton, currently a bike/ped task force member, will be filling the at-large seat until July 1, 2023. Therefore, there is a vacancy for Mr. Stratton's vacant bike/ped task force seat until July 1, 2021.

The following individuals applied for the vacancy: Sandy Aldridge, Kristen Goldsmith, Marty Shults, Joseph Chester, Maggie Ullman, Bill Loftis, Christine Harris and Micah McLain.

On December 8, 2020, it was the recommendation of the Multimodal Transportation Commission and consensus of Council to readvertise for the at-large seat.

The Multimodal Transportation Commission recommended, and the Boards & Commissions Committee concurred to appoint Michael Stratton as the at-large representative, and Maggie Ullman to serve as the bike/ped task force member.

Vice-Mayor Smith moved to (1) appoint Michael Stratton (at-large representative) as a member of the Multimodal Transportation Commission, to serve a three-year term to expire July 1, 2023, or until his successor has been appointed and (2) appoint Maggie Ullman (bike/ped task force representative) to serve the unexpired term of Mr. Stratton, term to expire July 1, 2021, and then a full three-year term, term to expire July 1, 2024, or until her successor is appointed. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 90

RESOLUTION NO. 21-15 - RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Neighborhood Advisory Committee.

The term of Philip Lenowitz (28804 representative) expired on July 1, 2020. In addition, Diane Dankert (at-large representative) has resigned, thus leaving an unexpired term until July 1, 2023.

The following individuals applied for the vacancy: Damita Jo Wilder (requested her name be removed from consideration), Bonnie Snyder Hanrick, Peter Abzug, Wendy Haner and Sandra K. Smith.

On December 8, 2020, it was the consensus of Council to re-advertise for the seat, since no one was eligible for the 28804 zip code.

The Neighborhood Advisory Committee, and the Boards & Commissions Committee recommended appointing Wendy Haner (28804 representative) and Peter Abzug (at-large representative).

Vice-Mayor Smith moved to (1) appoint Wendy Haner (28804 representative) as a member of the Neighborhood Advisory Commission to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed; and (2) appoint Peter Abzug (at-large representative) as a member of the Neighborhood Advisory Committee, to serve the unexpired term of Ms. Dankert, term to expire July 1, 2023, or until his successor has been appointed. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 91

RESOLUTION NO. 21-16 - RESOLUTION APPOINTING A MEMBER TO THE PLANNING & ZONING COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Planning & Zoning Commission.

Sandra Kilgore has resigned, thus leaving an unexpired term until August 14, 2023.

The following individuals applied for the vacancy: Sherrye Coggiola, Kimberly Levi, Roosevelt Harvin, Robert Frances Hoke, Ricardo Seijo and Sara Wilcox.

The Planning & Zoning Commission recommended (in order) Robert Frances Hoke, Ricardo Seijo or Sherry Coggiola. The Boards & Commissions Committee recommended appointing Robert Frances Hoke.

Vice-Mayor Smith moved to appoint Robert Frances Hoke as a member of the Planning & Zoning Commission, to serve the unexpired term of Ms. Kilgore, term to expire August 14, 2023, or until his successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 92

RESOLUTION NO. 21-17- RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Sustainable Advisory Committee on Energy & the Environment (SACEE).

The terms of Geoffrey Habron, Renee Mazurek and John Noor, as members of SACEE, expired on December 31, 2020.

The following individuals applied for the vacancy: Kim Austin, Steven Baron, Lynn Hurley, Carlisle Rankin Harper, Ben Prater, Kathryn Ancaya, Tim Ormond and Kelsey Wood.

The SACEE Board recommended and the Boards & Commissions Committee recommended appointing Tim Ormond, Steven Baron and Kim Austin.

Vice-Mayor Smith moved to appoint Tim Ormond, Steven Baron and Kim Austin as members of SACEE, to each serve a three-year term respectively, terms to expire December 31, 2023, or until their successors have been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 93

RESOLUTION NO. 21-18 - RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Urban Forestry Commission.

The terms of Cecil Bothwell, Sharon Sumrall and Perrin de Jong as members of the Urban Forestry Commission, expired on December 31, 2020.

The following individuals applied for the vacancy: Catherine Murphy, Deborah Margaritov and Zoe A. Hoyle.

The Urban Forestry Commission chair and the Boards & Commissions Committee recommended reappointing Cecil Bothwell, Sharon Sumrall and Perrin de Jong.

Vice-Mayor Smith moved to (1) reappoint Cecil Bothwell and Sharon Sumrall as members of the Urban Forestry Commission, to each serve an additional three-year term, terms to expire December 31, 2023, or until their successors have been appointed; and (2) reappoint Perrin de Jong to serve a three-year term , term to expire December 31, 2023, or until his

successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 94

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 7 individuals spoke to Council, including, but not limited to the following comments: need for racial justice and removing Vance Monument is only a start; prioritize reparations in the Fiscal Year 2021-22 budget; defund the police by at least 50%; shut down tourism industry to help with COVID-19 safety; terminate Griffin Waste Services contract and reopen and maintain the public restrooms we already have; not enough resources available for the homeless; fund more Asheville survival programs; problems with homeless downtown; appoint a City Council liaison to the Citizens Police Advisory Committee that will work to have the community and the Asheville Police Department work together; and the City is doing little to address violent crime, drugs and the homeless.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:38 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – January 26, 2021 - 3:00 p.m.

Affordable Housing Worksession

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

City Manager Campbell reviewed the 2019 Affordable Housing Worksession, which set the context and the objectives that staff is wanting to accomplish in this worksession. The City's role in affordable housing is funding, City-owned land, regulatory and convenor/collaborator.

City Manager Campbell said that at this worksession, staff will review (1) affordable housing is complex; (2) the needs are significant; (3) the City's approach (a) continuum of housing; and (b) past success and future work plan; and (4) affirm the direction and priorities.

Community Development Program Manager Paul D'Angelo said that the challenges of affordable housing are (1) most wages, salaries and incomes we produce in our area don't support the average housing costs in Asheville, both rental and homeownership; and (2) a healthy, affordable mixed-income community needs a variety of housing types at a variety of price points, both homeownership and rental, for the variety of incomes and wages produced in Asheville.

Affordable housing is households, both rental and homeownership, should spend no more than 30% of their gross income on housing costs. Renter - this includes rent and utilities. Homeowner - this includes mortgage, insurance and taxes. The most dollars we spend on housing, the less we have to spend on life's other necessities and to support the local economy.

We recognize the challenges in Asheville - cost of capital - financing costs; lack of building efficiencies; availability of buyer financing; cost of materials; lack of industry leadership; lack of density; NIMBYism; local government regulation & fees; land prices/availability; topography challenges; market challenges - supply & demand - quality of life; and lower wages - services & tourism economy.

Using a chart, they showed the Buncombe County available homes by price from November 21, 2014 to July 31, 2019.

In two checks of the For Sale housing market this past fall, there were only 38 (please note only about 25 to 30 of those 38 homes are move-in ready based on Realtor experience) homes on average in the City of Asheville listed for sale under $275,000, out of approximately 275 listings. That's just 14%. The average For Sale price of the 275 dwellings was approximately $660,000; the median For Sale price of the 275 dwellings was approximately $522,000.

Notes from the Bowen Report (Housing Needs Assessment Report) regarding rental-vacancy show (1) vacancy rate/market-rate apartments: tipping up, new construction of multi-family units are bringing the market into better balance; and (2) vacancy rate/affordable

apartments: however, there remains limited availability for lower income households seeking affordable rental housing.

Using a chart, they showed the Buncombe County share of household trends by tenure/income for 2018.

Notes from the Bowen Report regarding rental, (1) 46.1% of renters (17,643 households) are cost burdened - paying over 30% of their income towards housing costs; (2) 19.4% of renters (7,439 households) are severely cost burdened - paying over 50% of their income towards housing costs; (3) since 2014, rent in Asheville has increased by 5.2% annually; and (4) for the average renter, this means if their rent was $1,000 in 2014, it is now $1,350.

Notes from the Bowen Report regarding For Sale, (1) among owner households (a) 21.3% of homeowners (14,310 households) are cost burdened - paying over 30% of their income towards housing; and (b) 7.9% (5,283 households) are severely cost burdened - paying over 50% of their income towards housing; and (2) For Sale inventory - currently, the available homes priced under $200,000 has diminished to just 63 units, down from 460 homes in 2014. Individuals and families earning below $60,000 have very limited home buying choices in the community. Homeownership is necessary to help build wealth.

They reviewed the Fiscal Year 2020 area median income chart. They explained the subsidy needed.

Mr. D'Angelo said that the key takeaways from this worksession are (1) support the partners already doing the hardest work, the under 60% AMI individuals and families; (2) identify the gaps in the partnerships, funding, programs, incentives, regulations and fill them so municipal resources can go farther for 60% - 80% - 100% AMI; (3) call on for-profit developers and lenders to be a part of the solution; and (4) building community coalition and bring more partners to the table.

It takes partners to invest upfront on the build ... dollars incentivize the developer or invest on the back end ... dollars subsidize the renter or homeowner.

The City's policies include disposition of City-owned land, Housing Trust Fund, Land Use Incentive Grant, Metropolitan Sewerage District Discount, fee rebates/expedited review, HOME Investment Partnership Funds; and $25 Million in Affordable Housing Bonds. Partners include mission driven developers, tax credit developers, non-profit developers, and for-profit developers.

What's needed in Asheville's housing market is a healthy, equitable inclusive mixed-income community with a variety of housing types at a variety of price points, both homeownership and rental, for the variety of incomes and wages we produce in Asheville. They reviewed statistics from Lee Walker Heights; 360 Hilliard Avenue; Amaranth Apartments; Ironwood Apartments on South Slope; and Asheville Area Habitat for Humanity. To recap the affordable housing work in 2020, there have been 373 units of affordable housing; $13.02 Million of City investment, leveraged alongside non-profit and private investment; $34,906 per unit. There have been additional accomplishments, including tax credits (429 homes), community development upgrades, development pipeline, UNC-Chapel Hill/School of Government (5 year investment story); and mapping.

Economic Development Program Director Nikki Reid said that the 2019 policy discussion included (1) establishing a goal of 200 units per year, direct and indirect; (2) needs served - staff recommends focus efforts 80% AMI and below, with emphasis/preference on 60% AMI and acceptance of Housing Choice Vouchers; (3) prioritize leveraged investments (i.e., matching with

County investment, etc.); and (4) prioritize geographic areas/land-banking for access to jobs, services and community amenities.

She then did a walk through of key initiatives for 2021 to include who are the partners, what is the process, what are the resources, what are the intended results, and what is the timeline for policy decisions. She then reviewed upcoming projects and proposals in the pipeline of Council's calendar including 319 Biltmore, Deaverview Purpose Built Community, Talbert Lot - 50 Asheland, Asheland Avenue Proposal; and Neighborhood Lots for Affordable Housing. Mr. D'Angelo spoke about the permanent supportive housing project of Homeward Bound which is 85 units serving individuals at 30% AMI or lower.

Ms. Reid said that regarding City land, she explained the mapping and future policy discussion on land from Urban Renewal, 81-91 Riverside; and S. Charlotte Street (future).

Ms. Reid said that out of the City of Asheville $25 Million Bond funding, $15 Million High-Impact investments; $5 Million Housing Trust Fund; $3 Million land banking; $1 Million Community Land Trust; and $1 Million Down Payment Assistance.

A summary of the success stories include Lee Walker Heights, 360 Hilliard, Amaranth, Ironwood Apartments, Habitat for Humanity, etc. There have been 373 units of affordable housing; and $13.2 Million of City investment, leveraged alongside nonprofit and private investment.

A summary of the work plan for 2021 includes 219 Biltmore, Deaverview Purpose Built Community, Talbert Lot - 50 Asheland, Asheland Avenue proposal, Neighborhood Lots for Affordable Housing, Homeward Bound, etc. 500+ potential units of affordable housing. $23 Million + of City investment, leveraged alongside philanthropic, nonprofit and private investment.

Mr. D'Angelo said that the "holistic" affordable housing policy beyond the "Transaction" includes (1) anti-displacement/gentrification; (2) energy efficiency/sustainability; (3) development and design standards; (4) strong compassionate community property management; (5) equity & inclusion; (6) community outreach; and (7) concentration of lower incomes. Being bold is 250 units per year.

City Manager Campbell, along with staff, responded to several questions/comments from Council, some being, but are not limited to: how high does the vacancy rate in market rate areas need to be before we see a decrease in rents; discussion on private developers building apartments that are not affordable; can the City require private developers to accept Housing Choice Vouchers if they receive a City subsidy; if the City is not involved in any kind of incentive, do we have the ability to require the private developer to accept Housing Choice Vouchers; explanation of inclusion zoning and why is it not allowed in North Carolina; could Housing Code Vouchers be included in our incentive based program; what are the current barriers for the City to develop our own affordable housing; when we have partners looking at mixed-use or cooperative land ownership model (retail, mixed lodging, etc.), what creative solutions are there to partner with individuals who could manage the rental side, if the owner wasn't familiar with the management of housing; need to update the Unified Development Ordinance as it is a regulatory tool; confirmation that the Talbert Lot (50 Asheland Avenue) also has the potential for a transportation hub, not only a transit center; have we ever seen a project of permanently affordable structure with no tax credits or other City subsidies; accessibility and/or transportation should to be in the holistic affordable housing policy; need to collaborate with Buncombe County to build strong and accessible communities for long term accessibility; is there a model that points out benefits to agencies when homeless people becoming homeowners; and benefit of Housing and Transportation Index Mapping tool.

City Manager Campbell hoped that we have demonstrated that for a community of this size, we have a number of tools available and we are serious about trying to address this issue. It is a complicated and hard task; however, we have the dedicated staff of the Community & Economic Development Department paying attention to this issue. She said that going forward, we will focus on the 2021 work plan and will be coming back to Council soon with some proposals.

At 4:21 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – January 26, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 12, 2020

B. RESOLUTION NO. 21-19 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, A TRANSPORTATION PLANNING GRANT FROM THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION FOR A FEASIBILITY STUDY FOR THE REED CREEK GREENWAY

Action Requested: Adoption of a resolution authorizing the City Manager to apply for a transportation planning grant in the amount of $40,000 from the French Broad River Metropolitan Planning Organization for the purpose of preparing a feasibility study for the Reed Creek Greenway; and if awarded, to accept the funds and sign all of the necessary agreements, and budget the funds in the Fiscal Year (FY) 2021-22 Transportation Department operating budget.

Background:

- The French Broad River Metropolitan Planning Organization (FBRMPO) published a competitive grant opportunity during late October 2020 for transportation planning grants.
- The grant opportunity provides a total of $200,000 in funding for member organizations to complete a short-term planning or feasibility study with a focus on improving transportation facilities in or throughout the region.
- Applications were due on December 30, 2020.
- City staff determined that the completion of a feasibility study for the next two sections of

the Reed Creek Greenway would be a good candidate.

a. First section - Elizabeth Street to the I-240 pedestrian bridge at Hill Street near Isaac Dickson Elementary School.
b. Second section - W.T. Weaver Boulevard to the intersection of Broadway Avenue and Riverside Drive near UNCA.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- Provide funding support to complete the next step in the process toward construction of the final two sections of the Reed Creek Greenway.
- Provide preferred alignments, construction feasibility information, and cost estimates.

Con(s):

- None.

Fiscal Impact:

- A 20% local match is required if awarded. The total project cost is expected to be approximately $50,000, therefore the City's match would be $10,000 if awarded.
- If awarded, the money for the required match of $10,000 would be included in the FY 22 Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for a transportation planning grant in the amount of $40,000 from the French Broad River Metropolitan Planning Organization for the purpose of preparing a feasibility study for the Reed Creek Greenway, and if awarded, to accept the funds and sign all of the necessary agreements, and budget the funds in the FY 2021-22 Transportation Department operating budget.

RESOLUTION BOOK NO. 42 - PAGE 95

C. RESOLUTION NO. 21-20 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BIONOMIC SERVICES INC. FOR THE WATER PRODUCTION RESIDUALS REMOVAL PROJECT AT THE MILLS RIVER, WILLIAM DEBRUHL & NORTH FORK WATER TREATMENT PLANTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order to fund the remaining two-year General Services Agreement with BioNomic Services, Inc. for the Water Treatment Plant Sludge Removal Project.

Background:

- The Water Resources Department (WRD) has historically removed Water Treatment Plant residuals, also known as "sludge" from all three water treatment plants and delivered them to the Metropolitan Sewerage District (MSD) to be treated.
- MSD can no longer treat these residuals from the City of Asheville or any other water treatment facilities due to their new Air Quality Title V and renewed National Pollutant Discharge Elimination System (NPDES) permits.

- The Buncombe County Landfill agreed to take residuals for a period of two years while WRD and the consulting engineering firm GHD vet other treatment and/or disposal options.
- The WRD entered into a contract with BioNomic Services, Inc. for removal for the first year in the amount of $257,180 with a contingency in the amount of $38,577 for a project total budget in the amount of $295,757. Years 2-3 were budgeted at $200,000 annually.
- Due to the cost of removal, staff has determined that the cost of the residuals removal surpasses the budgeted amount for years 2-3.
- A change order is requested for $67,388 for year 2, and for $94,126 for year 3.
- The total change order for years 2-3 is $161,515.
- This provides a total residuals removal budget of $561,515 for the remainder of the contract.

Vendor Outreach Efforts:
- This is a change order; therefore, no further vendor outreach efforts were performed.

Council Goal(s):
- A financially Resilient City, A Clean and Healthy Environment

Committee(s):
- None.

Pro(s):
- This change order allows for the continued removal of residuals from each of the three water treatment plants.
- This aligns with the ISO 14001 Environmental Management System and with the city's goal to be environmentally responsible.
- Ability to continue to treat and deliver drinking water to the City of Asheville

Con(s):
- None.

Fiscal Impact:
- The change order will impact the budget for year 2 by $67,388, and year 3 by $94,126, for a total increase of $161,515 over the term of the contract.
- Funding for the change order for years 2 and 3 will be included in upcoming Water Resources Recommended Operating Fund budgets.

Motion:
- Adopt a resolution authorizing the City Manager to execute a change order for $161,515 to fully fund residuals removal for years 2-3.

RESOLUTION BOOK NO. 42 - PAGE 96

D. RESOLUTION NO. 21-21 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AMENDMENT WITH WPLAW FOUNTAIN DIVISION INC. FOR THE PACK SQUARE SPLASHEVILLE FOUNTAIN RESTORATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the design-build contract with WPLaw Incorporated, Fountains Division, of Lexington, SC, for the Pack Square Park SPLASHEVILLE Fountain Restoration Project.

Background:

- WPLaw Incorporated was selected as the design-build contractor through a Request for Qualifications(RFQ) process which required that teams submitting proposals show a thorough understanding of fountain operation and maintenance and a list of projects which they had previously completed.
- As allowed by State Statute, the City Manager approved the design-build construction method and the initial assessment phase of this project.
- Design-build was recommended as it will provide the most expeditious method of project completion and the best possibility of opening Splashville by Summer 2021.
- The three Pack Square Park Fountains were assessed by WPLaw in Fall 2020 as part of the initial design-build contract.
- In addition to all three fountains being in disrepair, the Mid-Block fountain and the Splasheville fountain are inoperable.
- Due to funding limitations, repairs can only be made on one fountain at this time.
- Parks and Recreation Department staff have prioritized the Splasheville fountain to be restored with the current available funding.
- This fountain has been prioritized because it is a recreational attraction for families and needs to be capable of operating during the 2021summer season.
- Future funding availability will allow for the other fountains to be repaired which may be completed as an amendment to this design-build contract.
- Splasehville repairs include general maintenance items such as pump and controller replacement and full replacement of the jets and lighting.
- The work is estimated to start in April and will take approximately four months to complete.

Vendor Outreach Efforts:

- Outreach for the original contract included staff performing outreach to minority- and women-owned businesses through sclicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No MWBE firms submitted bids with this prime contractor and all work will be self-performed by the prime contractor as a result there are no subcontracting opportunities available.

Council Goal(s):

- A well planned and livable community.

Committee(s):

- Currently the Parks and Recreation Advisory Board is not meeting due to COVID.

Pro(s):

- This contract amendment will restore a highly used downtown amenity to working order.
- The new equipment will provide a more reliable fountain feature.

Con(s):

- Current funding does not allow for the repair of all three fountains

Fiscal Impact:

- Funding for this contract is included in the Pack Square maintenance budget in the Parks and Recreation Department's Adopted General Fund budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the executed design-build contract with WPLaw, Incorporated, in the amount of $237,835 for the Pack Square Park SPLASHEVILLE Fountain Restoration Project; with further authorization for the City Manager to execute any change orders that may arise during the remainder of the project up to the amount of $23,800 (10%) for total design build contract amount not to exceed $261,635.

RESOLUTION BOOK NO. 42 - PAGE 97

E. RESOLUTION NO. 21-22 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY CONNECTING EAST OF BELLEVUE ROAD AND WEST OF EDGEWOOD ROAD AND SETTING A PUBLIC HEARING ON FEBRUARY 23, 2021

Action Requested: Adoption of a resolution to set a public hearing for February 23, 2021, to permanently close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road.

Background:
- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Spano and Associates Asheville, LLC has petitioned for this closure and they own the property associated with the Edgewood Road South Subdivision project (19-08084PZ) that was approved with conditions by the Technical Review Committee on March 2, 2019.
- The unopened right-of-way formerly connected on the southern side of the unopened portion of Bellevue Road and presently does not connect to any other right-of-way.
- This closure would not impede any future transportation connections nor does it conflict with any utility access.

Council Goal(s):
- Well-planned and livable community

Committee(s):
- Multimodal Transportation Committee - December 10, 2020 - approved unanimously.

Pro(s):
- Promotes sustainable high density infill growth that makes efficient use of existing resources.

Con(s):
- None

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Motion:
- Motion to adopt a resolution of intent to set a public hearing on February 23, 2021, to close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road.

RESOLUTION BOOK NO. 42 - PAGE 98

F. RESOLUTION NO. 21-23 - RESOLUTION OF INTENT TO CLOSE AN UNOPENED RIGHT-OF-WAY ALLEY CONNECTING TO BILTMORE AVENUE, DIRECTLY SOUTH OF WHITE FAWN DRIVE, AND SETTING A PUBLIC HEARING ON FEBRUARY 23, 2021

Action Requested: Adoption of a resolution to set a public hearing for February 23, 2021, to permanently close a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Milan Asheville, LLC has petitioned for this closure and they own the property at 324 Biltmore Avenue (PIN # 9648-46-4336).
- This closure request is associated with the Residence Inn (FKA Extended Stay Hotel at Hospital Center) (18-05806PZ) that was approved by City Council on March 12, 2019 under ordinance 4733 and approved with conditions by the Technical Review Committee on January 6, 2020.
- This closure will not impede any future transportation connections nor does it conflict with any utility access.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 10, 2020 - approved unanimously.

Pro(s):

- Promotes sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Motion:

- Motion to adopt resolution of intent to set a public hearing on February 23, 2021, to close a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive.

RESOLUTION BOOK NO. 42 - PAGE 101

G. RESOLUTION NO. 21-24 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CONTRACTS WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA, RRI WEST MANAGEMENT INC. AND AXIS SECURITY TO SUSTAIN OPERATIONS OF A MODEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING HOMELESSNESS DURING THE COVID-19 PANDEMIC

ORDINANCE NO. 4752 - BUDGET AMENDMENT TO FUND THE CONTRACT EXTENSIONS UTILIZING EXPECTED FEMA REIMBURSEMENT REVENUE

Action(s) Requested: Authorization for City Manager's execution of contract extensions with RRI West Management, LLC, Homeward Bound of Western North Carolina, and Axis Security; and a budget amendment in the Special Revenue Fund, in the amount of $1,061,000, to fund the contract extensions utilizing expected FEMA reimbursement revenue.

Background:

- On May 12, 2020, Council ratified the City Manager's execution of agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for operations of a COVID-19 motel-based non-congregate emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- On October 27, 2020, Council authorized the City Manager to execute extensions of the existing agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for a 90-day period, all of which expire on February 8, 2021.
- Sixty-seven (67) people (couples, families occupying some rooms) are currently in shelter and will continue to achieve the public health objective of prevention of COVID-19 among the community's unsheltered homeless population.
- One hundred thirty-two (132) people have been served to date.
- The incidence of confirmed COVID-19 has not abated, posing ongoing risk to people experiencing unsheltered homelessness.
- To avoid any lapse in service to this population, it is necessary to execute the contract amendments prior to February 8th to continue the agreements.
- A transitional exit strategy for those in the shelter is currently being planned.
- The City has submitted its project application and initial reimbursement request to FEMA on December 17, 2020 for operations from May 11 - August 30.
- The City will submit its second reimbursement request to FEMA in mid-February for the operations period September 1 - December 31.
- FEMA has extended its authorization for non-congregate shelters to be eligible for reimbursement for the duration of the pandemic emergency declaration.
- The existing agreements with the vendors allow for extensions to continue operations, with additional funding not to exceed $1,061,000 necessary to sustain this operation through the end of the City's fiscal year on June 30, 2021.

Council Goal(s):

- A Diverse Community
- A Well-Planned and Livable Community
- Fiscally Resilient City

Committee(s):

- None

Pro(s):

- Continues the successful operation of the existing expanded COVID-19 homeless shelter.
- Allows for additional time to effect housing placement for shelter occupants.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.
- 23 people have exited to permanent housing destinations.

Con(s):

- Potential damages incurred at the motel are not eligible for reimbursement from FEMA.

Fiscal Impact:

- The additional contract funding requested from February 8, 2021 through the end of the 2020-21 fiscal year includes:
    - Homeward Bound for essential shelter operations not to exceed $250,000; for 60 rooms nightly at Red Roof Inn not to exceed $486,000;
    - For 24/7 security provided by Axis Security not to exceed $325,000;
    - For a total not to exceed $1,061,000.
- Staff anticipates full FEMA reimbursement for these expenses and thus no City contribution is currently budgeted.

Motion(s):

- Motion to adopt a resolution to authorize the City Manager's execution of services contracts with Homeward Bound of Western North Carolina, RRI West Management LLC, and Axis Security for shelter rooms, essential operations, and security commencing on February 8, 2021 through the end of FY 2020-21 or the conclusion of the COVID-19 pandemic emergency declaration, whichever comes first; and a budget amendment in the Special Revenue Fund in the amount of $1,061,000 to fund the contract extensions utilizing expected FEMA reimbursement revenue.

RESOLUTION BOOK NO. 42 - PAGE 103
ORDINANCE BOOK NO. 33 - PAGE 202

Mayor Manheimer announced that there was one advanced live call-ins for the Consent Agenda; however, that person did not join into the meeting. Staff said that they have reached out to the caller and the caller has not responded.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - REIMAGINING PUBLIC SAFETY; OFFICE OF DATA & PERFORMANCE MANAGEMENT; REPARATIONS RESOLUTION UPDATE; VANCE MONUMENT UPDATE

Reimagining Public Safety

City Manager Campbell said that her Manager's Report will consist of (1) Update on status of positions and funding reallocated from APD during first phase of Reimagining Public Safety efforts; (2) Report from the newly established Office of Data and Performance Management; (3) Update on Implementation of Reparations Resolution; and (4) Update on Vance Monument.

She provided an update on the Phase 1 of Reimagining Public Safety regarding the recommended positions in the Community and Public Engagement Department; Development Services Department; Parks & Recreation Department; and partnership with Homeward Bound.

Regarding the internet access for Asheville Housing Authority residents (1)the City of Asheville, Asheville City Schools, Asheville City Schools Foundation, the Asheville Housing Authority, and Buncombe County have partnered to address the issue of a lack of high speed wireless access for Housing residents, particularly school age children; (2) Through funding by all the partners a project is moving forward to provide all residents with high speed wireless

broadband access; (3) An interlocal agreement has been approved by City Council and the first phase of installation has begun; and (4) The Asheville City Council has approved $50,000 towards this installation effort.

She said that regarding Reimagining Public Safety Phase 2, we are bringing back re-imagining consultants for the next round of engagement to (1) review what was heard in Round 1; (2) inform what is being done now in response to input from Round 1; and (3) seek community feedback on proposed services, programs and partnerships to be included in the 2021-22 budget that pursue social, racial, economic and environmental justice.

Office of Data & Performance

Office of Data and Performance Manager Eric Jackson said that this new initiative is designed to increase transparency in government and provide data-driven accountability to our community. This is just the latest step in a 10-year effort to build data-driven accountability at the City of Asheville.

Mr. Jackson said that the Office's mission is to empower the community and City staff to use data to improve outcomes, accountability and communication. This is about helping City staff change how they work, not creating a data "service.

He said it is organized as a cross-departmental team managed by IT Services, the team will consist of staff from Budget, Community Engagement, Equity, GIS, and Police, plus three IT open data staff members. Money to fund these positions came from the reallocation of $770,000 in Asheville Police Department funds approved by Council on September 22, 2020.

Internal outcomes for City staff will include (1) understanding the impacts of services and projects; (2) establishing baselines for improvement and benchmarks to maintain performance; and (3) identifying issues and respond proactively.

External outcomes for the community will include (1) understanding trends in their community; (2) knowledge of whether issues have been identified and addressed; (3) staying informed about issues and services in their community; and (4) understanding timing and strategies of City initiatives.

Regarding community input and engagement, (1) continue to create and evolve transparency tools for community sue - Dashboards, open data portal, GIS, SimpliCity; (2) community participation in identifying outcomes and determining how progress will be measured - results-based accountability + Racial Equity Toolkit; and (3) build direct relationships between Office of Data & Performance and community groups - announcements email list; participation in neighborhood meetings.

In its first year, the Office of Data and Performance will (1) hire core staff for Office; (2) build out training program and internal data community; (3) support budget process; (4) Support Advancing Racial Equity in Asheville initiative; and (5) Build relationships in the community.

Reparations Resolution Update

City Manager Campbell said that the City and County have conducted meetings with other communities implementing reparations initiatives as well as other technical experts. Staff will report back to City Council and community in thirty days (late February) with a recommended structure for the Reparations Commission and next steps.

Vance Monument Update

City Manager Campbell said that City Council directed her to work with Buncombe County to develop an execution plan to include ideas for funding. Staff is in the process of collecting bids and costs to remove the Vance Monument in its entirety, along with providing some options for a temporary use while we are in the process of developing a much longer term permanent reuse of that site. We hope to have that information back to Council in March. The Vance Monument Task Force will complete their work in February and will provide City Council with their final document that summarizes their work.

Councilwoman Roney said that "It stuck with me from your presentation that we tend to blind ourselves. So, this isn't specifically about the presentation so much as where we go next. To get in the right relationship with each other, for our community health and well-being, our organization's going to have to acknowledge the harm that has been caused by the City of Asheville on the journey to get to where we are now so we can get where we need to go. Reimagining isn't gonna work if we're only going to continue to imagine how our organization continues to hold the most power and resources. An authentic effort might look like inviting a shared vision with meaningful action in a way that welcomes participation and resource mapping. I have heard and agree that this might look like a participatory budgeting program, funding engagement ambassadors, and investment in neighborhood plans. So, my questions are: Are we going to get out of our own way so our community partners have space, time, and resources to realize a City we all want to live in? Where is our potential for contracting outside of our organization? And are we going to build trust by offering trust? I'm not expecting answers to those questions tonight, I just think they have to be on the table because of the urgent requests from our community."

City Manager Campbell said that she was looking forward to those discussions and following up because if we are headed in the wrong direction, we want to know that.

Councilwoman Kilgore felt it was important that we not only address the cost of removal, but also address the cost of replacement of what will go in its place and how much that will cost. On the Haywood Street site (across from Harrah's Cherokee Center - Asheville), the cost to plan that out is $13-14 Million. If we look at the cost to re-do the Vance Monument area we are looking at millions of dollars. It is the City's responsibility to be fiscally responsible so we need to take on things we need to take on, especially in light of the climate we find ourselves in now. There is no need to add additional costs on our plate when it's not necessary. If you go to the community and acknowledge that reparations is a big issue, the monies you could allocate for them could be used for reparations. We need to look at things that are important and things that we will benefit from, rather than things we would like to see. If we are really concerned about the community and the community's needs, then we need to make more prudent decisions that impact an entire community. She gets somewhat offended when other people dictate how people should feel and making decisions for the Black community. Blacks in the community can make their own decisions. She then read an article that she wrote to give people insight why she feels the way she does about the Vance Monument. The article is entitled "CAN REPURPOSING THE VANCE MONUMENT HELP HEAL THE DIVIDE IN ASHEVILLE? The first Obelisks recorded dates back to the 11th Century B.C. and symbolized the Sun God RA. That makes it 35,000 years old. It symbolized the concept of duality and balance. It represented good energy and dispelled negative forces. It is an art structure which is known all over the world. Thousands are located throughout the cities all over the United States. Among the most notable representations of this are the Washington Monument in Washington DC, Cleopatra's Needle in New York's Central Park, and the Newkirk Monument in Philadelphia. That being said, those monuments will always have a place in history. The Obelisk itself does not represent the confederacy. Please note, many of the confederate statues removed thus far have been statues in the image of the confederate soldiers and not stand alone Obelisk. It is art, it is a historic monument that has had many

uplifting meanings throughout history. Asheville is known to be a city of the Arts, and the monument represents one of Asheville's oldest art structures in Downtown Asheville. Many people in the community have strong feelings about our ancestors being sold and killed in a public space. Truth be told, our ancestors were sold and killed in many public places, as well as backyard barns all throughout the country. Do we hide our truth, or do we embrace it as our part of our history and use it as a reference to become stronger. An alternative is to reclaim the monument in order to recapture the positive, and unifying meaning it was always meant to represent. Over 130 years ago the Confederacy attached themselves to positive symbols that had a presence all over the world. They wanted to give their movement relevance. Another symbol they used was the cross; a symbol that is still being used today by nationalist and white supremacist to intimidate our communities. For decades, our ancestors had to bear witness to the burning crosses left at the scenes of property destruction, public lynchings, and murders of all sorts. Do we then start a movement to destroy crosses, because their meaning has been hijacked in order to terrorize our communities? Removing a monument is an emotional and reactionary response providing an apparent easy answer to a complicated issue. We need to be mindful of how we show up. The African American community is on the radar and decisions that we make in this community can affect other communities. The one thing about Asheville, we are very fortunate to be very liberal and for that reason we are able to get a lot of things done. What we really need to do is work with that rather than cause issues, where there are no issues. We cannot avoid the hidden phantom side effects of the desecration of the monument, held so dear by so many. Those effects fall squarely on the backs of Blacks like so many lashes from a past so long ago. The scars are hidden beneath the civil courtesy and liberal ideals while the shirts we wear hides the scars and the blood stains. For example, the effects that occur when the landlord decides not to rent to the Black family, or the employer who looks over a qualified Black employee, or the healthcare worker who offers the bare minimum in services to the Black patient. Let's also address the many well intentioned individuals, who fervently support such actions as removing the monument, while never experiencing the consequences of acting in haste. The task force was assembled and commissioned to consider removing the monument borne out of a group call from the George Floyd protest. There are many factors that needed to take place before any actions were implemented. African Americans are not a monolith; just because a group takes a stand on an issue does not mean it is the decision or the desire of the consensus. In fact, many of the Blacks in the community I have spoken with are opposed to removing it because of some of the same reasons stated. She has noticed that many in the Black community don't use emails and a lot don't use social media. So why are we allowing individuals to make decisions for us. If we really want to get a pure consensus on what the Black people really feel we need to take the time and go out and get into the community and speak to the community, to the churches, and see what they do. Do not remove a monument saying this is what the Blacks want and expect us to be okay with it just because you put together a Task Force that basically pretty much outlined what their mission was. My father told me years ago that many Blacks lost their lives building the Biltmore House. The builder of the Biltmore House is the same builder of the Obelisk. With that being said, I think it is safe to assume that our ancestors played a role in it's construction. In 2015 when they were resurfacing the Obelisk, a time capsule was discovered in the base of the monument and it contained the Colored Enterprise newspaper from 1897 and a leather bound bible, I felt proud. We should use the monument as a history. History will not change and you cannot erase history. Asheville's history could be told full circle as we address the dark stains of slavery and the impact of urban renewal and institutional racism in the once robust Black community. Lifting the monument up and using the power of the Obelisk could provide a new narrative and unite us all to create a desired result of unification, equity and inclusion. The Obelisk would provide a platform to begin to have those difficult conversations that bring us together. Asheville as a city, has acknowledged our dark past, and chose not to ignore those injustices and crimes against humanity. Rather than honoring the perpetrators of these crimes, we honor our ancestors, whose memories would otherwise have been lost. It would be a great opportunity to educate our visitors as well as locals in the community. We could call it the "Unity Tower" that is located in "Freedom Park." We could create a legacy that will be a

centerpiece for one of the nation's fastest growing cities. We could become a positive roadmap for other cities all over the country who are dealing with the same issues of division. The Reverend Martin Luther King. Jr inspired the human race to strive for harmony. He realized that no man, woman or child is truly free until all men are free. Working together is the only way to bring about sustainable changes and equality."

Mayor Manheimer said that Council will next see this on our agenda likely the first meeting in March when the bids come back in on cost removal and other items being explored. The Vance Monument Task Force will also have sent us their final report. When this item comes back before Council for a vote, there will be an opportunity for discussion and public comment. She noted that Council did vote 6-1 for removal; however, as City Manager Campbell pointed out, it was not a vote on a contract for removal.

B. ASHEVILLE SCHOOL BOARD MEMBER SELECTION - LEGISLATIVE PROCESS & INFORMATION

Mayor Manheimer said this will be a brief discussion about the process we use requesting legislation from the state. We are embarking on taking applications for the Asheville School Board and we will be appointing new members by April 1. The question periodically comes up about whether or not we should move from an appointed School Board to an elected School Board. The process for doing that would be that City Council could ask the legislature to please introduce a bill that would change our School Board from an appointed School Board to an elected School Board.

At this time of the year we would also talk about a legislative agenda. In the past we have put together a list of things we asked our legislature to consider. However, due to political differences in the last several years we have had a rocky relationship with our legislature. This does bring up the question on whether or not the Council would like to consider any kind of a legislative agenda for this session. We don't have a lot of time because the legislature just got sworn in and the bill filing deadlines are around the end of February or early March. It's not impossible to get a bill after that date, but the legislators have to make their request to the bill drafting division to draft the bills. One question is would we like to make a request for an elected School Board bill. There also has been a pretty lengthy conversation the last couple of years around to the Tourism Development Authority's room tax allocation. That work continues to happen and she's been in communication with our new State Senator Julie Mayfield to help us. Some other things the City has considered in the past include, whether or not continue to request that cities be authorized to have an option for a referendum to create a transit tax through sales tax. She said the one burning issue that we would need to make a decision on is the question around the School Board. There is some interest in having a joint City Council/School Board/County Commissioner meeting where we would talk about this issue. That would be one way we could have a community conversation around this issue.

Councilwoman Mosley said she has heard from organized groups where the general consensus is that they see this as a political power play designed to limit Black members if we go to an elected School Board.

Councilwoman Turner asked for background information on why this continues to come up so frequently.

Mayor Manheimer said that we can take up some of these legislative issues at the Governance Committee meeting on February 9, but it won't work for the School Board legislation because that will require us to have the joint meeting. As Councilwoman Wilser is liaison to the School Board, she asked that she let them know we are interested in this joint meeting to discuss this topic. She said she would reach out to County Commissioner Chair Brownie Newman and

let him know. It's strange in that City Council appoints the School Board members, but the County Commissioners are actually tasked with managing their capital needs.

There was a brief discussion with staff being requested to arrange a joint meeting with the City Council/School Board/County Commissioners. Mayor Manheimer said that we will have an agenda prepared, with potential topics of the Asheville Primary School, elected vs. appointed School Board, County's capital needs, and the County's vision around access to quality, affordable pre-K update for all pre-schoolers in Buncombe County.

Councilwoman Roney said that she prepared a question and concern document regarding programming, facilities and projections prior to the decision by the School Board on whether or not to liquidate the Asheville Primary School building and property on Haywood Road. She would be happy to share that document with City Council, the County Commissioners and the School Board. We have a lot of community partners that we will need to engage if we are going to realize success around our education system for our children.

In response to Councilwoman Turner, Vice-Mayor Smith said that City Council must make their appointments to the School Board by April 1. The Boards & Commissions Committee will be discussing the process at their February 9 meeting, and will report back to Council at their February 9 formal meeting. Mayor Manheimer also noted that from a logistical standpoint, if there was an elected School Board, it would not be applicable until 2022.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 21-25 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY KNOWN AS VELVET STREET

Mayor Manheimer said that this public hearing was held on January 12, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Turner moved to permanently close a portion of right-of-way known as Velvet Street. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 104

B. RESOLUTION NO. 21-26 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF COURTLAND AVENUE AND HOUSTON STREET

Mayor Manheimer said that this public hearing was held on January 12, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

After hearing additional public comment 24 hours after the public hearing, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Turner moved to permanently close a portion of right-of-way at the intersection of Courtland Avenue and Houston Street. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 106

C. RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

Mayor Manheimer announced that this resolution has been pulled from consideration in order to address a discrepancy in the property description.

D. ORDINANCE NO. 4753 - ORDINANCE TO CONDITIONALLY ZONE 32.2 ACRES OF PROPERTY LOCATED AT 99999 SAND HILL ROAD FROM COMMERCIAL INDUSTRIAL DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE FOR AN APPROXIMATELY 130,000 SQUARE FOOT WAREHOUSE AND DISTRIBUTION FACILITY AND SURFACE PARKING AND VEHICLE STORAGE AREAS, ALONG WITH A CHANGE IN THE FUTURE LAND USE MAP FROM URBAN CENTER TO EMPLOYMENT/ANCHOR INSTITUTION CENTER

Mayor Manheimer said that this public hearing was held on January 12, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Principal Planner Shannon Tuch said that at the applicant's request, the Condition B.1 report has been amended to include "13. Applicant will make good faith efforts to contract with small and minority firms and women's business enterprises, as follows: a. Applicant will take affirmative steps to assure that minority firms and women's business enterprises are used when possible. Affirmative steps will include: i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists; ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; iii. Working with the YMI, Mountain BizWorks and other local non-profit agencies that serve the minority communities in Asheville to promote information about job opportunities."

Councilwoman Roney said that in looking at the available land we have in corridors where we can have a lot of traffic, she has to look at the long-term goals, and not just the short-term benefits. She felt we scrapped the barrel on how this is in line with our stated goals for just 130,000 in taxes. If we take the money now, what is the long-term side effect? For that reason, she didn't see how this conditional zoning gets us to our stated goals. She will be voting against the conditional zoning; however, she does have gratitude for the community agreements that our Council members have worked on for minority and women-owned business efforts.

Councilwoman Kilgore moved to approve this rezoning request with the conditions as shown in the associated site plans and building elevations (Exhibit D) and Exhibit B1 Conditions. along with a change in the Future Land Use Map from Urban Center to Employment/Anchor Institution Center. This motion was seconded by Councilwoman Mosley and carried on a 5-2 roll call vote, with Councilwoman Roney and Councilwoman Turner voting "no."

ORDINANCE BOOK NO. 33 – PAGE 202

E. RESOLUTION NO. 21-27 - RESOLUTION APPROVING CIVIL SERVICE BOARD SUBSTANTIVE RULE

Mayor Manheimer said that this public hearing was held on January 12, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

After hearing additional public comment 24 hours after the public hearing, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Roney said what we need is the opportunity to have accountability for the community. She felt this doesn't get us there. She is still worried that we had community partners at the table in the conversation about what we needed to do next for the Civil Service Board but we don't have that yet. She acknowledged that this is the best we can do with a bad situation. However, she still has concerns about why we would still add a rule that is not congruent with every city in the state around the one year probationary period. She understands we are going from a terrible situation to a less terrible situation on the pathway to get what we actually need, which is a Citizen Review Board.

Councilwoman Wisler moved to approve the substantive rule as adopted by the Civil Service Board on December 3, 2020. This motion was seconded by Councilwoman Kilgore and carried on a 4-3 by roll call vote, with Vice-Mayor Smith, Councilwoman Mosley and Councilwoman Roney voting "no."

RESOLUTION BOOK NO. 42 – PAGE 107

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 20 individuals spoke to Council, including, but not limited to the following comments: litter and trash from Sonic on Tunnel Road at Governor's View Road; issues downtown; homeless issues downtown; need for reparation discussion soon; removal of the Vance Monument; defund the police; tourism during COVID-19 pandemic and need indoor dining restrictions; affordable housing crisis; Civil Service Board should be abolished; removing Vance Monument is a form of reparations; concerns about public comment at School Board meetings; concerns about liquidating Asheville Primary School with no clear transition plan; and the Bluffs at River Bend.

Councilwoman Roney said that she hears the community calling urgently for an LGBTQ inclusive non-discrimination ordinances for protection of human and civil rights. We are working on this and we will need to collaborate with the County and build a coalition across the state. She urged everyone to stay engaged and keep pushing for meaningful action.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:33 p.m.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – February 9, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING FEBRUARY 2021 AS "LOVE ASHEVILLE, GO LOCAL" MONTH

Councilwoman Turner read the proclamation proclaiming February 2021, as "Love Asheville, Go Local" Month in the City of Asheville.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 26, 2021

B. RESOLUTION NO. 21-28 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A BUILDING CONSTRUCTION CONTRACT WITH WxPROOFING, INC. FOR THE HARRAH'S CHEROKEE CENTER - ASHEVILLE WINDOW REPLACEMENT AND CONCRETE REPAIRS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with WxProofing, LLC, in the amount of $1,079,805 for the Harrah's Cherokee Center - Asheville - Window Replacement & Concrete Repairs project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% ($107,980.50).

Background:

- Original exterior envelope components of the 1972 Harrah's Cherokee Center - Asheville are in need of update and improvement.
- The concrete walls leak.
- Existing windows are single pane, difficult to maintain, and not energy efficient or code compliant.
- Exterior improvements will include replacement of the windows and concrete restoration.
- Bid Alternates 1, 2, and 6 Replace doors, install Fall Protection and provide Retrofit windows.

- A Request for Bids (RFP) was first advertised on November 19, 2020. Two Formal bids were received on January 7, 2021 and not opened because three bids are required to open on the first bid date.
- A RFP was re-advertised on January 13, 2021.
- Construction Schedule: March 1, 2021 - September 1, 2021.
- Five bids were received and formally opened on January 28, 2021.
- The resulting bids (including bid alternates 1, 2 & 6) are listed below:

	Contractor	Location	Amount
o	Midwest Maintenance, Inc.	Piqua, OH	$ 1,021,381*
o	WxProofing, LLC	Greensboro, NC	$ 1,079,805
o	Carolina Cornerstone Const., Inc.	Asheville, NC	$ 1,238,070*
o	Strickland Waterproofing Co., Inc.	Charlotte, NC	$ 1,311,150*
o	S & S Building & Dev., LLC	Greensboro, NC	$ 1,439,560*

* The apparent low bidder, Midwest Maintenance, Inc., did not list the electrical contractor on the Bid Form as required by NCGS 143-128(d), and was deemed non-responsive. All other bids were deemed non-responsive for the same reason, except for WxProofing, LLC.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Virtual Pre-Bid Meeting and Asheville Business Inclusion recordings were available on the City Purchasing website.
- Site Visits were held for contractors. Interested Contractor and subcontractor contact information was shared via an Addendum.
- One Historically Underutilized Business (HUB) business submitted a bid with the prime contractor, WxProofing, LLC.
- Frederico Jaramillo, Charlotte, a Latino-owned business will perform approximately 10% of the contract for concrete, coatings, and sealant repairs.

Council Goal(s):

- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):

- None

Pro(s):

- The building walls and windows will be leak free. Windows will meet current energy code.
- Windows will be easier and safer to maintain.
- The building concrete will be cleaned and aesthetically improved.
- Construction between March - September 2021 will have lower impact on revenue than construction at another time because ticket sales for events are limited due to public gathering restrictions.

Con(s):

- Construction schedule may be impacted by material and labor slowdowns due to pandemic.

Fiscal Impact:

- Funding for this contract will come from previously approved budgets within the Harrah's Cherokee Center - Asheville Capital Improvement Program.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with WxProofing, LLC. in the amount of $1,079,805, for the Harrah's Cherokee Center - Asheville - Window Replacement & Concrete Repairs project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the 10% contingency amount of $107,980.50.

RESOLUTION BOOK NO. 42 - PAGE 110

C. RESOLUTION NO. 21-29 - RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 23, 2021, TO CONSIDER THE VOLUNTARY ANNEXATION OF .47 ACRES OFF OF OAK HILL CIRCLE AND MOORECREST ROAD

Action Requested: Adopt a resolution fixing the date of a public hearing on February 23, 2021 for the voluntary annexation of 0.47 acres in west Asheville off of Oak Hill Circle and Moorecrest Road.

Background:

- The property owner, Boomville Properties, LLC, has petitioned the City of Asheville for the annexation of 0.47 acres located at 99999 Moorecrest Road and identified in the Buncombe County tax records as PIN 9629-80-7863.
- Pursuant to NCGS 160A-31 such petitions must be investigated by the City Clerk for sufficiency in accordance with state law.
- This investigation has been completed and the Certificate of Sufficiency accompanies this petition request.
- The next step in this process is for the Asheville City Council to fix the date for the public hearing on this matter.
- Should the City Council decide to proceed with this request the public hearing on the annexation and initial zoning would be held on February 23, 2021, with the vote tentatively scheduled for March 9, 2021.
- The annexation becomes effective immediately once an affirmative vote is reached.

Council Goal(s):

- A well-planned & livable community

Committee(s):

- None

Pro(s):

- Provides for the orderly growth of the City and the tax base through the acceptance of appropriate areas into the corporate limits where owners desire annexation.

Con(s):

- None.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that it:
  (1) Supports residential infill in areas that can support orderly growth consistent with surrounding neighborhoods (pp. 345-347); and
  (2) Supports a sustainable path to balanced budgets (pp. 240-242).

Fiscal Impact:

- This request includes the voluntary annexation of 0.47 acres of property into the City which will provide new property tax revenue with minimal increase to services.
- Two single-family lots are planned for the property that, if approved, would generate approximately $3,100 in city property tax based on the sale price proposed by the owner/developer.
- City service departments did not identify any service concerns and supported the inclusion of the two parcels with the rest of the development noting that service to the rest of the development would be required.

Motion:

- Motion to adopt the resolution fixing the date of the public hearing for February 23, 2021, for the voluntary annexation of 0.47 acres in west Asheville.

RESOLUTION BOOK NO. 42 - PAGE 111

D. RESOLUTION NO. 20-30 - RESOLUTION SETTING A PUBLIC HEARING ON MARCH 9, 2021, TO CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

Action Requested: Adoption of a resolution to set a public hearing for March 9, 2021, for the closure of an unopened right-of-way known as Trade Street.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Meinch Construction, Inc. has petitioned to close this right-of-way. They are the owners of 99999 Trade St, PIN # 9638-98-2756. Joining this petition are Butler and Celeste Wiltse. They are the owners of 28 Trade St., PIN # 9638-98-3860.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.
- This closure allows for the development of 99999 Trade St by providing more room for construction by adjusting the property lines.
- The right-of-way is needed to provide the required screening in the back of the property for 4 residential units that will front on Roberts Street.
- This potential closing was initiated on December 8, 2020; however, due to a discrepancy in the property description, this potential closing must start over again.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: Supported closing the right-of-way by unanimous vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Motion:

- Motion to adopt resolution of intent to set a public hearing on March 9, 2021, to close an unopened right-of-way known as Trade Street.

RESOLUTION BOOK NO. 42 - PAGE 113

Mayor Manheimer announced that there was one advanced live call-ins for the Consent Agenda; however, that person did not join into the meeting.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions on the Consent Agenda and they would not be read.

Councilwoman Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - HOMELESS CAMPS

City Manager Campbell explained the key takeaways on this presentation, to include (1) City has followed CDC guidance on not removing homeless camps on City-owned property since issues and will continue to do so, unless there is an imminent safety concern (2) the N.C. Dept. of Transportation (NCDOT) has also agreed to pause removal of homeless camps unless there is an imminent safety concern; (3) opportunities to improve communication both internally and externally; and (4) homelessness is a community-wide issue that requires a community-wide response.

The City's policy on homeless camps include (1) Proactive outreach (a) Community Engagement Division of Asheville Police Department; and (b) City-funded outreach position at Homeward Bound; (2) Campsite removal on City-owned land (a) Rare; (b) Advance notice (7 days) unless immediate risk; (c) Connection to community resources; and (d) Currently following CDC guidance *not* to remove camps unless imminent danger; (3) Campsite removal on private property (a) Discretion of the property owner; (b) APD responsible for enforcing trespass laws at the request of the property owner; and (c) Connection to community resources; and (4) Dignity and respect.

Regarding the homeless camp removal, Last week a homeless camp located on NCDOT property on Lexington Avenue under the I-240 bridge was removed. The removal was as a result of safety concerns with campfires and the proximity of the camp to NCDOT roadway. APD officers did not initiate the removal of the camp. As per City policy, APD reached out to community partners to make sure resources were available for the people being displaced. APD officers also offered to transport individuals to overnight facilities. Individuals were given the opportunity to remove their belongings before the NCDOT clean up began.

Homeless Services System Performance Lead Emily Ball said that the City's goals for ending homelessness in Asheville are (1) Move beyond managing homelessness to ending homelessness; (2) Develop and support a homeless service system that can quickly respond to resolve housing crises; and (3) Make homelessness rare, brief, and non-recurring. Our values are (1) Homeless people are not the problem. Homelessness is the problem; (2) People experiencing homelessness are people first; (3) Homelessness is a public health issue, an equity issue, and a housing issue; (4) Services are based on need, not merit; (5) Strategies and decisions should be data driven; and (6) Homelessness is a solvable problem.

Ms. Ball said that the City's response to homelessness include (1) Developing and supporting the community's homeless service system (a) Not a direct service provider; (b) HUD Continuum of Care lead; (c) Collaborative Applicant for CoC and Regional Applicant for ESG funding: $1.9M; (d) Data (HMIS, Point-in-Time count); and (e) Strategy and solutions: moving beyond crisis response to ending homelessness; and (2) City Investment (a) Critical services: coordinated entry, outreach; (b) CDBG and HOME funding for homeless programs; and (c) Permanent housing developments targeting homelessness.

Our COVID response includes (1) Emergency shelter at Harrah's Cherokee Center: 50 beds; (2) Non-congregate shelter at Red Roof Inn: 60 rooms; (3) Code Purple: 50 beds; (4) Collaboration with Buncombe County on resources for service providers, PPE distribution, COVID testing, vaccine planning; (5) CDBG-CV - Rental assistance and services to prevent eviction/homelessness and provide rapid rehousing; and (6) ESG-CV - Street outreach, emergency shelter, homelessness prevention, rapid rehousing.

Moving forward, our immediate response is to continue to follow CDC guidance, and work with NCDOT to establish shared protocol. Long-term solutions include (1) Low-barrier shelter; and (2) Permanent housing and services. Homelessness is a community-wide issue that requires a community-wide response. We know how to end homelessness. We need the will, resources, and capacity to act.

Ms. Campbell, along with Police Department staff, responded to various questions/comments from Council, some being, but are not limited to: what is the City's policy for noticing an imminent safety issue which results in the person's personal property being removed and what is their recourse to retrieve their personal property; and provide an update on community partners who have emergency services available from the Emergency Service Grant funds and the Community Development Block Grant funds.

Councilwoman Roney felt that City Council needs to talk about where it is legal to sleep in sub-freezing temperatures. She would like to review the Eugene, Oregon, temporary urban camping policies, and also craft language for a policy that ensures we are not removing people's encampment and shelter during Code Purple.

City Manager Campbell acknowledged the list of questions sent in by Councilwoman Roney and said the responses are almost complete.

City Manager Campbell said that we will be working with the NCDOT to come up with a common response when imminent safety issues arise.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES II, III, V, VIII, IX AND XVII IN ORDER TO ADOPT NEW STANDARDS REGULATING HOTELS AND ASSOCIATED CHANGES

Mayor Manheimer announced that the two public hearings on the hotel development standards and the hotel overlay district will be combined into one presentation from Director of Planning & Urban Design Todd Okolichany. This public hearing was advertised on January 29 and February 5, 2021.

At Mayor Manheimer's request, City Attorney Branham spoke on the legal limitations of banning hotels as a permitted land use and with continuing the hotel moratorium. In summary, the City lacks the legal authority to ban hotels outright and that moratoriums must be temporary

in nature, noting that we have extended our one-year moratorium beyond what most case law allows us to do.

Mr. Okolichany said the the key takeaways are that (1) hotels can't be "banned" out right; (2) development impacts can be managed; and (3) new innovative tools to regulate hotel development approvals include (a) Hotel Overlay District; (b) development and operational standards; (c) public benefits; and (d) design review and design guidelines.

Project goals include (1) improve predictability and transparency in the hotel development review process (i.e. incentive-based process); (2) establish where hotels are appropriate in the City; (3) leverage hotel development to achieve community benefits and limit impacts of new hotels; and (4) enhance the design of hotels.

He then reviewed the hotel development study timeline, which started in September of 2019, up until February 23 - when the moratorium expires and City Council reviews new hotel regulations.

What we heard from (1) Hotel Overlay District (a) overlay area too large; (b) consider urban renewal program areas; and (c) concern about short-term vacation rentals; (2) public benefits table (a) add options to build affordable housing, support MWBE and finance reparations; and (c) prioritize Council and community priorities; and (3) design review process - need continued involvement from Downtown and Riverfront commissions.

The following are revisions based on community engagement (1) reduce the extent of areas suitable for hotel development; (2) adjusted public benefits table, including more options; (3) prioritized reparations, affordable housing and living wages; (4) updated hotel definitions; and (5) revised design review process to ensure participation from Downtown and Riverfront commissions.

Future Council considerations include (1) Hotel Overlay District - urban renewal program areas; (2) public benefits table - does it capture Council and community priorities; and (3) design review process - Council vs. Commission appointees.

He reviewed the key elements for the proposed regulations to include (1) Hotel Overlay District and Development Standards (a) creates consistent and transparent process; (b) incentivizes community benefits with option of staff level review; (c) requires Council review for larger projects; and (d) limits hotels to appropriate areas; (2) public benefits (a) mitigates development impacts; and (b) achieves Council and community goals; and (3) revised design review process (a) enhances hotel design; and (b) establishes more efficient process.

Regarding the Hotel Overlay District and Development Standards, he reviewed the development review process flow chart. Hotel Overlay District goals include (1) limit the geographic extent of hotels to appropriate locations; (2) protect neighborhoods vulnerable to gentrification; (3) preserve neighborhood livability and quality of life; (4) encourage historic preservation and adaptive reuse; and (5) protect viewshed corridors into the downtown. He then reviewed the Hotel Overlay District map, which District A allows all hotels; and District B allows only small hotels with 7-25 guest rooms. The hotel overlay represents less than 8% of the total area of the City. He then reviewed the Hotel Overlay & Urban Renewal preliminary review map.

Regarding public benefit goals, (1) improve transparency and predictability in the review process; (2) address community needs and help implement Council goals (a) reparations; (b) affordable housing; (c) living wages; (d) displacement; and (e) sustainability, green building; (3) mitigate development impacts; and (4) create a straightforward, effective process. He explained the public benefits table that (1) is flexible, pointed based system; (2) is tiered based on size and

location (a) Central Business District, River Arts District, Biltmore Village; and (b) suburban areas; and (3) has new options for reparations and MWBE.

Regarding the revised design review process goals, (1) improve building design as recommended by ULI and Living Asheville; (2) strengthen, formalize and streamline the design review process; (3) building capacity for future updates to design guidelines; (4) diversify design review committee membership; and (5) continue to support Downtown and Riverfront Commission involvement. The staff's recommendation on the design review process is to combine two existing design review committees into one - the Asheville Area Riverfront Redevelopment Commission Subcommittee and the Downtown Commission Subcommittee to be a Joint Design Review Committee. Four members would be appointed by each Commission and one at-large member.

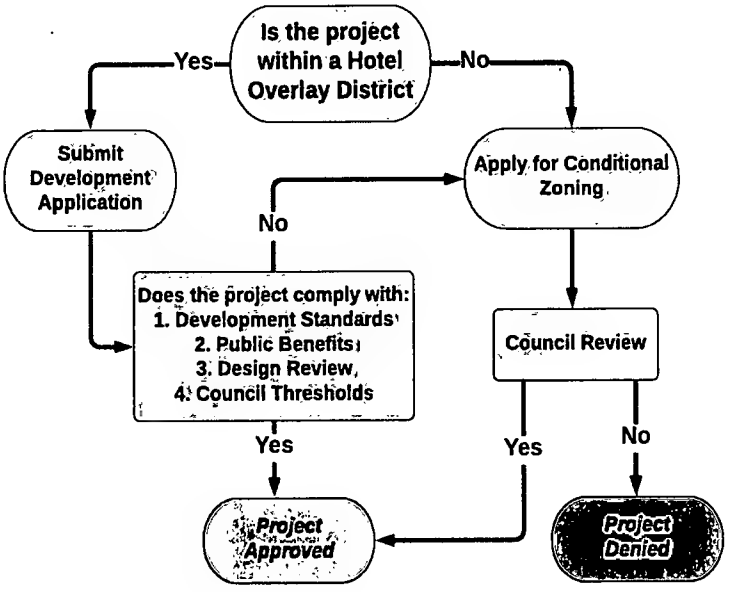
In summary, on February 5, 2021, the Planning & Zoning Commission recommended approval of the hotel development regulations and the Hotel Overlay District Map. Today, City Council will hold their public hearings; and on February 23, City Council will vote on the hotel development regulations and the Hotel Overlay District map. Also the hotel development moratorium will expire on February 23, 2021.

"From Staff Report - Background on Hotel Development Regulations:

- The Asheville City Council adopted a one year moratorium on hotel development on September 24, 2019, temporarily suspending the processing of new hotel development applications so the City could study community impacts of hotel development and create a more effective development review process.
- The moratorium was extended on September 22, 2020, and is set to expire on February 23, 2021.
- The City contracted with the Urban Land Institute (ULI) to undertake a Technical Assistance Panel (TAP) planning process that included:
    - community engagement opportunities,
    - a briefing report (prepared by City staff) of hotel development impacts and
    - trends and a final written report and presentation by ULI to the community in early 2020.
- Key short-term recommendations identified in the ULI report included the following:
    - Improve predictability and transparency in the hotel development review process
    - Establish where hotels are appropriate in the City
    - Leverage hotel development to achieve community benefits and limit impacts of new hotels
    - Enhance the design of hotels
- Engagement with the community, City boards and commissions and City Council occurred throughout the planning process and included the following:
    - An in-person community input meeting that included 120+ participants;
    - An online survey with educational video that resulted in more 3,000 comments by nearly 1,200 community members;
    - Meetings with small focus groups;
    - Several meetings with City boards and commissions; and,
    - Two City Council work sessions on October 13 and October 27, 2020.
- Based on the findings of the ULI report, feedback from the community, City boards and commissions and City Council, and continuing staff analysis over the past year City staff proposes wording amendments to Articles II, III V, VIII, IX, and XVII of the Unified Development Ordinance (UDO) to establish new standards for hotel development (see separate City staff report on the Hotel Overlay District).
- The three primary components of the proposed amendments are:

1. A new **Hotel Overlay District** that prescribes where new hotels may be permitted by-right and that includes new **hotel development requirements** designed to offset impacts and meet key community goals;
2. A strong incentive to incorporate high priority **public benefits**, such as contributions to a reparations fund and affordable housing; support for Minority- and Women-Owned Business Enterprises; and options for living wages and green building elements; and,
3. A revised **design review** process that promotes (or preserves) quality architecture and building design, and enhanced placemaking.

- The proposal allows for a staff level review option provided the project is within a new Hotel Overlay District, all development requirements are met, public benefits (such as affordable housing or living wages) are provided, the project receives a positive recommendation from the design review committee and the project is under Council review thresholds, such as hotel with 115 or less rooms, buildings 100 feet high or less and mixed-use hotel buildings where the non-hotel use is 100,000 square feet or less. The new development review process is as follows:



- Other components of the amendment include:
  - Inclusion of additional hotel development standards related to customer drop-off areas, building fenestration, ground floor activation, access requirements and other standards;
  - Consolidation and simplification of conditional zoning expansion districts;
  - Updates to the definitions for large and small hotels, establishing a new threshold for large hotels at 36 or more guest rooms;
  - Updates to the definition of an extended stay hotel and a new definition for a guest room; and,
  - A revised design review process that combines the Downtown Commission and Asheville Area Riverfront Design Review Subcommittees into one joint Design Review Committee. Council has expressed interest in possibly appointing some members to the Committee.

Comprehensive Plan Consistency:

- This proposal aligns with a number of themes within the *Living Asheville Comprehensive Plan* including 'A Livable Built Environment', 'Harmony with the Natural Environment' and a 'Resilient Economy. The following goals are applicable to this zoning amendment:
  - Encourage Responsible Growth
  - Promote Great Architecture & Urban Design to Enhance Placemaking
  - Increase and Diversify Housing Supply, develop a comprehensive study of lodging facilities and their impact, and develop new policies
  - Promote the Development and Availability of Affordable Housing and Workforce Housing
  - Implement Green Building Programs

Council Goal(s):

- A well-planned and livable community

Committee(s):

- On 8/13/20 the Asheville Area Riverfront Redevelopment Commission (AARRC) was updated on the hotel development regulations and reviewed the proposal for a combined design review board.
  - Discussion centered around the membership of such a board. AARRC members wanted clarity on this issue before voting (see minutes for more detail).
  - At their meeting on 9/21/20 the commission voted to remove the creation of a new design review board from the proposal, due to concerns about the outdated current guidelines.
  - The AARRC was consulted at their meeting on 11/18/20 and weighed in on the design review committee membership and also provided guidance on the Hotel District Overlay Map.
  - The AARRC chair provided additional comments to staff and the Planning and Zoning Commission prior to the 2/3/21 public hearing, outlining concerns and recommendations pertaining to the design review process.
- On 8/14/20 the Downtown Commission was updated on the hotel development proposal.
  - They voted to recommend that consideration of the hotel development regulations be delayed until such a time that a number of other related tasks could be completed (see minutes for more detail).
  - The Commission was briefed again at their meeting on 11/13/20 and also provided guidance on the Hotel Overlay Map.
- Council's Planning and Economic Development Committee reviewed and commented on the proposal at their meeting on 1/11/21
- On 9/2/20 the Planning and Zoning Commission held a public hearing on the proposed Hotel Development Regulations and Hotel Overlay District, but continued the hearing for further discussion and public engagement.
  - There was additional discussion on 9/23/20 and 11/4/20 and the hearing was subsequently continued.
  - At their meeting on 2/3/21, City staff presented some revisions to the proposed ordinance based on additional public engagement and Council review (see Planning and Zoning Commission recommendation).
  - There was discussion regarding the possible conflict of the hotel overlay with urban renewal areas.
  - On 2/5/21 the Planning and Zoning Commission voted to recommend approval of the hotel development wording amendments (5-1).

Pro(s):

- Limits the opportunity for new hotel development in contextually appropriate areas where suitable infrastructure exists to support the development.
- Includes standards designed to mitigate the impacts of hotels.

- Includes standards and a review process to promote quality architecture and building design, and enhance placemaking.
- Provides a strong incentive to incorporate high priority public benefits and City Council goals (i.e. reparations, affordable housing, living wage, green building, contracting with MWBE, historic preservation, etc.) into a new hotel project.
- Consolidates existing design review processes, establishing a more efficient and organized process.
- Provides a by-right alternative to a rezoning via conditional zoning for hotel development, offering greater certainty, transparency and continuity in the development review process.
- Responds to recommendations by the Urban Land Institute to enhance predictability and transparency in the hotel development review process, establish appropriate areas for new hotels based on several criteria, incentivize community benefits and enhance the design of hotels.

Con(s):

- May inflate the value of some properties located within the overlay.

Fiscal Impact:

- A small increase in advertising and related costs associated with an increase in design review applications is expected. Fees for design review are expected to largely offset these costs.

Staff Recommendation:

- Staff recommends approval of the proposed zoning text amendment establishing new development standards and review processes for hotel development because it:
  - aligns with numerous goals of the *Living Asheville Comprehensive Plan*,
  - aligns with the recommendations of the ULI TAP planning process and community desires to limit the impacts of hotel development and incorporate public benefits into new development, and
  - supports Council goals related to reparations, affordable housing, sustainability and equity."

In response to Mayor Manheimer, Mr. Okolichany said that we can amend the hotel overlay map to remove the areas identified as urban renewal areas.

In response to Councilwoman Turner, Mr. Okolichany explained how the Office of Equity & Inclusion participated in the public benefits table. We tried to capture benefits that related to some of our equity needs in the community, such as affordable housing and a reparations fund. But, we also have a number of other benefits in that table related to other community needs, such as structured public parking or integrating green building into the design of a building. He thought Council's consideration might be whether we should have all these options or not. We added in the table to require that at least 50% of all the public benefits come from the group that has the equity-related benefits. In addition, the Office of Equity & Inclusion tries to build capacity within each department to use the racial equity toolkit as a tool in analyzing our drafting proposals. Planning staff did go through the racial equity toolkit questions to help in forming how we would develop and draft the boundaries of our overlay district map, our neighborhood vulnerability map, and the public benefits table.

Councilwoman Roney said she has heard from so many people about the saturation of the hotel industry and the extraction of our natural resources, our human resources and our taxes. She feels the way the benefits table is currently weighted the public benefits and the removal of Council's decision makes it easier for developers to build more hotels. We don't need a way to make it easier for developers to build more hotels. She felt we need a clear benefits package that makes it possible to heal the damage that has already been done to our people and

our ecosystem. If we go back to conditional zoning for hotels, historically that has meant more hotels. Before she votes against this process, she wanted to give value to what a supportive vote might look like. Regarding the maps, she thanked staff for removing the property that houses the Grey Eagle, but we can't say we are going to protect neighborhoods vulnerable to gentrification and then surround the historic southside. She would like to reduce the cultural impact of the maps to exclude all of Depot Street, all of Ralph Street, South Coxe and Asheland Avenue and any lots that create a donut hole. Regarding the benefits, she applauded Councilwoman Mosley's suggestion to suggest reparations as part of the benefits table. We need environmental justice solutions and economic justice solutions and funds to build deeply affordable housing. She suggested taking the top points from those categories and making that the new minimum. This is the time to set a high standard and she doubted if the minimum of 500 points is enough. But, just 180 points with multiple ways to get to a one-and-done, is not enough. This is not the time to devalue our community. We need to protect the southside with the reduced map boundaries, and to raise the points for community values.

Councilwoman Turner said this has been a long process, starting back in 2016. Last year there were a couple of things happening in the community that lined up really well. The Tourism Management Investment Plan that the Conventions & Visitors Bureau took on talked about 10 years of funding. The General Assembly became interested in discussing the room tax change. That would have gone to the General Assembly in July of 2020, the Tourism Management Investment Plan was targeted to wrap up in August or September, 2020, and the moratorium would have expired in September of 2020. They lined up well, but didn't come to fruition. She felt that we should deal with the hotel issue before the lodging tax has been addressed. She was also concerned about the design review process. It's important to note that both design review boards of the Downtown Commission and the Riverfront Redevelopment Commission voiced and voted against these changes. She reached out to them and feels there is a multifaceted reason why. One of which is the incomplete nature of their existing guidelines. We are creating an overlay district which is a map being overlaid on other maps. But some of those areas already have overlay districts and their own set of guidelines. In some of the areas, Riverfront and Downtown in particular, you will have to come into compliance with these design guidelines, but you also have to be in compliance with the Downtown guidelines or the Riverfront guidelines. Those documents are very outdated. What we are doing is allowing two bodies that are partially appointed by City Council (6 out of 9 of the Downtown Commission and 5 out of 15 of the Riverfront Redevelopment Commission) to appoint other people to review these new hotels under incomplete guidelines and new hotel guidelines. We can do better. Again, the new design review board which will be reviewing new hote s will not be directly appointed by City Council. There is also a component of the guidelines that she would like to see added. When we are looking at allowing some of these hotels by right, she wanted us to look at a way to design the buildings that encourages easier convertibility to other uses, in this case longer-term housing, i.e., kitchenettes or larger bathrooms. She was not opposed to going back to what we were doing with conditional zonings while continuing to work on this process. Some community members feel they have not had ample opportunity to work on this. Despite us being hard at it, there is a disconnect during COVID times. She felt there is more work to do.

Mayor Manheimer said that Council will not vote on these items until February 23. She believed that some of this feedback by Council will be incorporated into the ordinances for consideration on February 23.

It was the consensus of Council to remove the properties on Asheland Avenue, Depot Street, Coxe Avenue and some on Ralph Street in the hotel overlay district map.

Mayor Manheimer said that Council has the opportunity to amend the public benefits table, if adopted. She was supportive of increasing the amounts as well. In her experience, Asheville has had a strong enough market that hoteliers have been willing to reach a high

threshold to be able to participate in Asheville. Our idea though the public benefits table is to hold people who want to participate in Asheville's economy to be better community partners. She would be open to suggestions but if there is a way to make the bar higher, she would support that change.

Vice-Mayor Smith explained her thoughts on if size is the best way to determine a hotel type. She wondered if there is a way to look at the percentage of revenue the hotel is projected to receive, to maybe trigger another point system.

Mr. Okolichany responded to Councilwoman Turner's questions regarding a design standard to get ground floor activation and the ULI's recommendation about a potential committee that would meet regularly to talk about the impact of hotels.

Councilwoman Wisler was not opposed to the concept of increasing the level of public benefits; however, she felt that the new hotels would be very high end in order to afford to pay the public benefits. Existing hotels that didn't contribute to public benefits will raise their average room rate, thus making the per room rate more expensive for people who are not tourists, but must visit Asheville for other reasons, i.e., visiting people in the hospital or aging parents, etc.

Councilwoman Roney said there hasn't been a lot of discussion about the negative points in the public benefits table. Displacement can get a developer into a hole before they even start accumulating benefit points. B Corp Certification at 180 points is the fullness of the highest value required. And, also the 200 points for 80% AMI should be cut in half. That shouldn't be the highest benefit and certainly should not compete with the other items in Group 2.

Mayor Manheimer opened the public hearing at 6:49 p.m.

From advanced live call-ins, 10 individuals spoke against the hotel development regulations, for several reasons, some being, but are not limited to: we don't need anymore hotels; keep the existing process of conditional zonings for any new hotels; hotels should build free parking lots for employees who work in Asheville; hotels should contribute to the tree canopy; hotels should be required to open up an entire floor for cold shelters in time of crisis; hotels should pay a true living wage; this process removes public oversight from the process; public benefits table is not enough; green building, living wages and hiring MWBE should be required; reject these standards and come back with a plan for public oversight and a better deal for the City; equity and inclusion has not had a significant role in drafting this ordinance; hotels should be required to go through an equity analysis; if the conditional zoning process is restated, Council should just vote no on all hotels; 80% of rooms should be donated to houseless people to live in; when you add more hotel rooms, the rates will go down; and suspend the room tax until a new allocation is agreed upon by the General Assembly.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Vice-Mayor Smith moved to recess this item until February 23, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

B. PUBLIC HEARING TO APPLY A NEW HOTEL OVERLAY DISTRICT TO CERTAIN PROPERTIES WITHIN THE CITY OF ASHEVILLE CORPORATE LIMITS

Director of Planning & Urban Design Todd Okolichany said that this is the consideration of an ordinance to apply a new Hotel Overlay District to certain properties within the City of

Asheville corporate limits. This public hearing was advertised on January 29 and February 5, 2021.

"From Staff Report on Hotel Overlay District - Project Location and Contacts:

- This is a City-initiated zoning action led by the Department of Planning and Urban Design.

Summary of Petition:

- The Asheville City Council adopted a one year moratorium on hotel development on September 24, 2019, temporarily suspending the processing of new hotel development applications so the City could study community impacts of hotel development and create a more effective development review process.
- The moratorium was extended on September 22, 2020, and is set to expire on February 23, 2021.
- The City contracted with the Urban Land Institute (ULI) to undertake a Technical Assistance Panel (TAP) planning process that included
    - community engagement opportunities;
    - a briefing report (prepared by City staff) of hotel development impacts and trends; and
    - a final written report and presentation by ULI to the community in early 2020.
- Key short-term recommendations identified in the ULI report included the following:
    - Improve predictability and transparency in the hotel development review process
    - Establish where hotels are appropriate in the City
    - Leverage hotel development to achieve community benefits and limit impacts of new hotels
    - Enhance the design of hotels
- The addition of the Hotel Overlay District is necessary to support and effectuate the proposed new standards for hotel development (proposed in concert with this overlay).
- The Hotel Overlay District is mapped with two zones "A" and "B", identified as follows (for more details see separate City staff report on proposed amendments to the Unified Development Ordinance):
    - Zone "A" allows all hotels, both small and large, including lodging establishments of 7 or more guest rooms, including extended stay hotels.
    - Zone "B" allows only small hotels, defined as those containing 7-35 guest rooms, including extended stay hotels.
- The Asheville City Council held work sessions on October 13 and October 27 to review the proposed regulations and Hotel Overlay District Map and provide guidance to staff.
- As a result of these work sessions and other input received from the community, City staff has made the following changes to the Hotel Overlay District map:
    - Removed the Asheville Mall from the Hotel Overlay District until new zoning amendments are adopted.
    - Removed the River Ridge Shopping Center.
    - Removed the area east of South Charlotte Street between Woodfin and College Streets from the Hotel Overlay District.
    - Expanded the area for small hotels to include the west side of Coxe Avenue in the South Slope area.
- Planning staff has also evaluated the preliminary findings of mapping Urban Renewal program areas in the City, including possible overlaps with the Hotel Overlay District. Staff will present this information to Council at the public hearing on 2/9/21.

Comprehensive Plan Consistency:

- This proposal aligns with a number of themes within the *Living Asheville Comprehensive Plan* including 'A Livable Built Environment', 'Harmony with the Natural Environment' and a 'Resilient Economy. The following goals are applicable to this zoning amendment:

  - Encourage Responsible Growth
  - Promote Great Architecture & Urban Design to Enhance Placemaking
  - Increase and Diversify Housing Supply, develop a comprehensive study of lodging facilities and their impact, and develop new policies
  - Promote the Development and Availability of Affordable Housing and Workforce Housing
  - Implement Green Building Programs
- The proposed Hotel Overlay District also aligns with the land use categories outlined in the comprehensive plan as part of the Living Asheville Future Land Use Map.

Compatibility Analysis:

- The proposed boundaries of the Hotel Overlay District were delineated based on the contextual appropriateness of the identified properties for new hotel development.
- Compatibility is ensured by locating the overlay away from residential areas, neighborhoods that are vulnerable to displacement and by further limiting it to areas where road, transit and other infrastructure is sufficient to support the hotel use.
- The overlay also helps to protect historic areas by limiting the number of rooms in sensitive historic district locations and protects viewshed corridors.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- On 8/13/20 the Asheville Area Riverfront Redevelopment Commission (AARRC) was updated on the hotel development regulations and reviewed the proposal for a combined design review board.
  - Discussion centered around the membership of such a board. AARRC members wanted clarity on this issue before voting (see minutes for more detail).
  - At their meeting on 9/21/20 the commission voted to remove the creation of a new design review board from the proposal, due to concerns about the outdated current guidelines.
  - The AARRC was consulted at their meeting on 11/18/20 and weighed in on the design review committee membership and also provided guidance on the Hotel District Overlay Map.
  - The AARRC chair provided additional comments to staff and the Planning and Zoning Commission prior to the 2/3/21 public hearing, outlining concerns and recommendations pertaining to the design review process.
- On 8/14/20 the Downtown Commission was updated on the hotel development proposal.
  - They voted to recommend that consideration of the hotel development regulations be delayed until such a time that a number of other related tasks could be completed (see minutes for more detail).
  - The Commission was briefed again at their meeting on 11/13/20 and also provided guidance on the Hotel Overlay Map.
- Council's Planning and Economic Development Committee reviewed and commented on the proposal at their meeting on 1/11/21
- On 9/2/20 the Planning and Zoning Commission held a public hearing on the proposed Hotel Development Regulations and Hotel Overlay District, but continued the hearing for further discussion and public engagement.
  - There was additional discussion on 9/23/20 and 11/4/20 and the hearing was subsequently continued.
  - At their meeting on 2/3/21, City staff presented some revisions to the proposed ordinance based on additional public engagement and Council review (see Planning and Zoning Commission recommendation).

- There was discussion regarding the possible conflict of the hotel overlay with urban renewal areas.
- On 2/5/21 the Planning and Zoning Commission voted to recommend approval of the Hotel Overlay District map amendments (5-1), with the condition that the property located at 185 Clingman Ave. (Grey Eagle property) is removed from the overlay district.

Pro(s):

- Reintroduces hotels as a permitted use in appropriate areas.
- Provides the necessary zoning/regulatory framework to guide hotel development.
- Limits the opportunity for new hotel development in contextually appropriate areas where suitable infrastructure exists to support the development.
- Preserves neighborhood livability and quality of life.
- Protects neighborhoods that are vulnerable to displacement.
- Encourages historic preservation and adaptive reuse.
- Protects viewshed corridors.
- Responds to recommendations by the Urban Land Institute to enhance predictability and transparency in the hotel development review process, establish appropriate areas for new hotels based on several criteria, incentivize community benefits and enhance the design of hotels.

Con(s):

- May inflate the value of some properties located within the overlay.

Fiscal Impact:

- There is no direct fiscal impact."

Councilwoman Roney pointed out that the proposed hotel overlay district map does not reflect areas of other lodging uses, i.e., short-term rentals, homestay permits, etc.

Mayor Manheimer opened the public hearing at 7:24 p.m.

From advanced live call-ins, 3 individuals spoke against the hotel overlay district, for several reasons, some being, but are not limited to: confusion of the entire process including the Planning & Zoning Commission not allowing public comments; and need to see the in depth study of tourism development in Asheville before making any decisions.

Dee Williams appreciated the areas of the urban renewal map being removed from the overlay district and suggested we rebrand reparations to community reinvestment.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Kilgore moved to recess this item until February 23, 2021, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

~~Asheville City Board of Education~~

Regarding the Asheville City Board of Education, the following individuals applied for the vacancies: Abby Crahan, Jennifer Farmer, Jacquelyn Carr McHargue, CJ Breland, Patricia Griffin, James C. Carter, Libby Kyles, Joyce Brown, Pepi Acebo, Katherine Hyde Hensley, Michele Delange, Peyton O'Conner, Stephen J. Blount, Tiffany Flunory-DeBellott, Kate Fisher and George Seiburg.

Vice-Mayor Smith said that the Boards & Commissions Committee reviewed the applications for three seats and made two motions regarding the appointment process. By unanimous vote, the Committee voted to request essays and interviews from 3 current board members plus five other applicants.

Vice-Mayor Smith then moved to request essays and interviews from the three current board members plus five other applicants. This motion was seconded by Councilwoman Mosley.

Councilwoman Roney read the following letter from the Asheville Association of Educators Government Relations Committee " Dear Asheville City Council Members, Greetings from the Asheville City Association of Educators (ACAE). We write to you today to inform you of our plans to make public endorsements for the open seats on the Asheville City School Board as well as to express our concerns regarding the Boards and Commissions committee recommendations. ACAE has been busy forming a team of members committed to moving forward with endorsements of Asheville City School Board applicants. Our process involves providing each applicant Council approves with a questionnaire that has been vetted by both ACAE and the North Carolina Association of Educators (NCAE). Both ACAE and NCAE are affiliates of the National Education Association (NEA). Our process also involves interviews with applicants who return our questionnaire. From that pool, we will make public recommendations for the three open School Board seats. This process is consistent with how we made endorsements for City Council this past election cycle and is how we will continue to endorse future City Council candidates. As public school advocates, we are deeply engaged in the decisions that impact the teaching and learning conditions in our schools. We want to express to you our concerns with the Boards and Commissions recommendations that will be considered in today's council meeting. We have a long history of public school advocacy and look forward to hearing from all of the applicants in regard to their advocacy efforts in improving our schools and fighting for social and racial justice in our community. While we understand the desire to narrow the number of applicants, we are concerned that applicants with a strong background in advocating for our schools and public schools in general were not in the pool of recommendations. We respectfully request that City Council reject the Boards and Commissions recommendations in regard to both process and applicant pool. We encourage City Council to allow all applicants to submit responses to essay questions prior to narrowing the pool of applicants for interviews. We believe the current timeline put forth is generous enough to allow for this change. Thank you, Asheville City Association of Educators Government Relations Committee"

Vice-Mayor Smith responded that we have been working on this process since early January and this is not inconsistent with what Council has done in the past. We have received a lot of endorsements from the public and this process is not a surprise.

The motion made by Vice-Mayor Smith and seconded by Councilwoman Mosley carried on a roll call vote of 5-2, with Councilwoman Roney and Councilwoman Turner voting "no."

Councilwoman Turner was under the impression that we would be sending the essay questions to all eligible candidates. Vice-Mayor Smith said that the Boards & Commissions Committee had several choices to make at the beginning of this process in January, one of which was to reappoint the existing three, eligible and interested candidates; and one was to open up the application process. There were several iterations of the appointment process. She

reiterated that the Committee voted unanimously to request essays and interviews of the three current members and five other candidates. The Committee also voted to request essays and interviews from the three current members (Joyce Brown, Patricia Griffin and James Carter), along with Stephen Blount, Michele Delange, Jacqueline Carr McHargue, Peyton O'Conner, and George Sieburg. That motion carried on a roll call vote of 2-1, with Councilwoman Roney voting "no."

Vice-Mayor Smith moved to request essays and interviews from the three current members (Joyce Brown, Patricia Griffin and James Carter), along with Stephen Blount, Michele Delange, Jacqueline Carr McHargue, Peyton O'Conner, and George Sieburg. This motion was seconded by Councilwoman Mosley and carried on a roll call vote of 5-2, with Councilwoman Roney and Councilwoman Turner voting "no."

Vice-Mayor Smith reminded Council to submit their written essay questions to the City Clerk's Office by Tuesday, February 16.

RESOLUTION NO. 21-31 - RESOLUTION APPOINTING A MEMBER TO THE AUDIT COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Audit Committee.

Scott Farkas (Certified Public Accountant), has resigned, thus leaving an unexpired term until May 1, 2023.

The following individuals applied for the vacancy: Travis Keever (County resident; however, works in the City of Asheville) and Susan Darnell Hutchison.

On January 12, 2021, the Audit Committee Board chair recommended appointing Travis Keever (County resident). However, the Boards & Commissions Committee recommended re-advertising.

On February 9, 2021, it was the consensus of the Boards & Commissions Committee to appoint Susan Darnell Hutchison.

Vice-Mayor Smith moved to appoint Susan Darnell Hutchison as the Certified Public Accountant on the Audit Committee, to serve the unexpired term of Scott Farkas, term to expire May 1, 2023, or until Susan Darnell Hutchison's successor has been appointed. This motion was seconded by Councilwoman Wisler and carriec unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 114

RESOLUTION NO. 21-35 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing Alternate members to the Board of Adjustment.

There currently exists an Alternate seat, formerly filled by Suzanne Godsey who has been appointed as a Regular member, and whose term expired on January 21, 2021. In addition, due to a discrepancy between the Unified Development Ordinance and Session Laws, City Council should appoint another Alternate member. (Buncombe County now appoints only one Regular and one Alternate member - not two Alternate members).

The following individual applied for the vacancies: Christopher Fundanish.

The Boards & Commissions Committee recommended appointing Christopher Fundash as an Alternate to the Board of Adjustment and re-advertising for the other Alternate seat.

Vice-Mayor Smith moved to appoint Christopher Fundanish as an Alternate member to the Board of Adjustment, to serve a three-year term, term to expire January 21, 2024, or until Christopher Fundanish's successor has been appointed; and re-advertise for the other Alternate seat. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 118

RESOLUTION NO. 21-32 - RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Civic Center Commission.

Kimberly Hunter resigned as a member of the Civic Center Commission, thus leaving an unexpired term until June 30, 2021.

It was the consensus of the Boards & Commissions Committee to appoint Sandy Aldridge, Josh Batenhorst, Tim Collins, Mitchell Eaton and Crissa Renquate Sinkovic.

The Civic Center Commission and staff recommend appointing Crissa Renquate Sinkovic, and the Boards & Commissions Committee concurred with the recommendation.

Vice-Mayor Smith moved to appoint Crissa Renquate Sinkovic as a member of the Civic Center Commission, to serve the unexpired term of Kimberly Hunter, term to expire June 30, 2021, and then a full three-year term, term to expire June 30, 2024, or until Crissa Renquate Sinkovic's successor has been appointed. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 115

RESOLUTION NO. 21-33 - RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Firemen's Relief Fund.

Barbara Whitehorn has resigned from the Board, thus leaving a vacancy.

It was the consensus of the Boards & Commissions Committee to appoint Interim Finance Director Tony McDowell as a member of the Finance Department to fill Barbara Whitehorn's seat.

Vice-Mayor Smith moved to appoint Tony McDowell as a member of the Firemen's Relief Fund, to serve at the pleasure of Council. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 116

RESOLUTION NO. 21-34 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Asheville Area Riverfront Redevelopment Commission.

The term of Carleton Collins expired on January 1, 2021.

The following individuals approved for the vacancy: Timothy Bramley, Douglas Buchalter, Brian Loftus, Daniel Ratner, Ben Williamson and Christopher Fundanish.

The Chair of the Riverfront Redevelopment Commission recommended appointing Tim Bramley or Ben Williamson. The Boards & Commissions Committee recommended appointing Ben Williamson.

Vice-Mayor Smith moved to appoint Ben Williamson as a member of the Asheville Area Riverfront Redevelopment Commission, to serve a three-year term, term to expire January 1, 2024, or until Ben Williamson's successor has been appointed. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 117

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 26 individuals spoke to Council, including, but not limited to the following comments: opposition to the Bluff's development at Richmond Hill and request City Attorney to represent City residents who are opposed to this development; concern about property tax assessment and property taxes; need for racial justice; need for reparations; poor mechanism for public comment and need for more public engagement and transparency; need solution for homelessness and homeless encampments; don't focus on tourism but focus on recovering from pandemic and economic crisis; help the houseless, black and brown and marginalized communities; establish process to make it easier for board and commission virtual meetings, consistent process for posting agenda meeting materials; stop barriers for public comment; need for robust Office of Equity and Inclusion; remove Vance Monument, defund the Asheville Police Department by 50%; lack of progress on reparations resolution; vote no on new hotel regulations; stop all evictions; buy a hotel for homeless people; need to address economic gap; allow open comments at City Council meetings without having to sign up in advance; change City Council virtual meeting rules to allow three people to give up their time for someone to speak for 10 minutes; and need for a legal and safe place for homeless people to camp.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:24 p.m.

Magdalen Bowman
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – February 23, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 9, 2021

B. RESOLUTION NO. 21-36 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE EXTENSION WITH BALSAM GARDENS, LLC, ON A PORTION OF CITY-OWNED REAL PROPERTY OFF OF HARDESTY LANE AT AZALEA PARK

Action Requested: Adoption of a resolution authorizing the City Manager to sign an amendment to the existing lease agreement with Balsam Gardens, LLC to extend the term until March 1, 2022.

Background:

- Balsam Gardens has leased 11+ acres of farmland from the City for six years to operate an organic farm.
- Balsam Gardens grows organic vegetables and sells to wholesale markets, local grocers, area restaurants and in local farmers markets.
- No retail or U-Pick operations are allowed to occur on this City property.
- This property is located to the rear of Azalea park and is adjacent to the City's beneficial fill site.
- Balsam Gardens has and will continue to honor all stream buffers, conservation easements wetlands and proposed greenway paths that exist at this location.
- Balsam Gardens has participated in a public education program that allows students to tour a working organic farm.
- This agricultural use has had no impact on the recreational use of Azalea Park or the soccer facility.
- Only one year is being requested because the City intends to release a "Request for Proposals" to the community of organic farmers in the area.
- The City intends to advertise this opportunity to businesses who have been under-represented in the past, such as those owned by people of color, and align the lease with the City's goals to advance racial equity.

Council Goal(s):
- A Clean and Healthy Environment

Committee(s):
- None

Pro(s):
- Uses a unique City property to support local farming and food security in the Asheville area.
- Balsam Gardens employs 6 people year round and 30 seasonally.
- These workers make at least $13 per hour when the average rate is between $8 and $10 per hour.
- This is a small business that is 50% woman owned.

Con(s):
- The land will be unavailable for City use during the term of the lease.
- Due to the floodplain, City use is limited.

Fiscal Impact:
- The City receives approximately $3,800 per year or $317 per month.
- This rental rate is based on research done to determine local fair market rate for farmland leases.

Motion:
- Motion to approve the resolution authorizing the City Manager to execute an amendment to the lease agreement with Balsam Gardens, LLC.

RESOLUTION BOOK NO. 42 - PAGE 119

C. RESOLUTION NO. 21-37 - RESOLUTION AUTHORIZING THE CITY MANAGER TO USE THE SOLE SOURCE PROCUREMENT METHOD, AND PREFERRED ALTERNATES, FOR THE LISTED PROJECTS IN THE BID SPECIFICATIONS FOR THE BROADWAY PUBLIC SAFETY STATION AND DR. WESLEY GRANT SR. SOUTHSIDE CENTER

Action Requested: Adoption of a resolution authorizing the City Manager to use the sole source procurement method and preferred alternates for the listed products in the bid specifications for the Broadway Public Safety Station and Grant Center.

Background:
- Fire Station 13 referred to as the Broadway Public Safety Station (BPSS) and the Grant Center projects are in design and will soon be ready to bid.
- The projects will require specific equipment or systems to be procured with sole source or preferred alternates methods which the bid specifications identify brand names known.
- These methods are in the best interest of the City for the reasons identified below:

Sole Source Requests
- These items are to be purchased by the department for installation outside of the construction contract.
- NCGS 143-129 (e) 6 allows for Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.
- Per this statue City Council must approve items requested for sole source purchase.

- Mach Alert Station Alerting (Fire Department) BPSS
  - Mach Alert is the fire station alerting system utilized throughout every fire station to notify firefighters to respond to incidents.
  - The system is integrated within the city's radio system and dispatch center to create a single comprehensive notification system.
  - Asheville Fire Department has been using Mach Alert fire station alerting since 2016.
  - This request is to expand the current fire station alerting system to include Broadway Public Safety Station (BPSS).
  - Changing vendors for fire station alerting system at BPSS would require replacement of the current systems located within each of the fire stations and include replacement of the network infrastructure at the dispatch center.

- Verkada Video Security Cameras (IT Department) BPSS and Grant Center
  - Currently installed in a number of locations in City buildings.
  - Saves money through providing cloud-based video storage with no annual subscription fees.
  - In order to have all cameras across the City managed by the same system, we need to continue to deploy this equipment.

Owner's Preferred Alternates

- These items will be specified in the construction bid.
- Per NCGS 133-3, bid specifications are required to cite three or more examples of items of equal design or equivalent design.
- Preferred brand alternate: Specifications must identify the performance standards that support the preference.
- Performance standards for the preference must be approved in advance by the owner in an open meeting.
- Any alternate approved by the owner shall be approved only where:
  1. Preferred alternate will provide cost savings, maintain or improve the functioning of any process or system affected by the preferred item or items, or both, and
  2. Justification identifying these criteria is made available in writing to the public.

- Plymovent exhaust removal system (Fire Department) BPSS
  - Currently installed in all City of Asheville Fire Stations.
  - Required to maintain current operational standard.
  - Vehicle hardware matches this system and standardization is necessary to utilize equipment flexibly between stations.

- Schlage Door Hardware (Facilities Maintenance Department) BPSS
  - Currently installed in many City buildings.
  - Required to assist with operations and maintenance for a consistent lock system under a master key system to work across City Buildings.

- Yale Lock Hardware (Parks Department) Grant Center
  - Currently installed at the existing Grant Center.
  - Required to maintain consistent operational standards between the existing Grant Center and the new building addition.
  - Yale hardware was installed at this facility before standardizing on Schlage hardware.

- JCI HVAC controls (Parks Department) Grant Center
  - Currently installed at the existing Grant Center.

- Required to maintain consistent operational standards between the existing Grant Center and the new building addition.

- SolarEdge Photovoltaic Array inverters & optimizers (Office of Sustainability) — BPSS and Grant Center
  - Currently installed at the ART Transit station, and in the process of being installed at 6 additional City buildings.
  - It is required to provide consistency in reporting solar production.

Vendor Outreach Efforts:
- N/A

Council Goal(s):
- A financially resilient city

Committee(s):
- NA

Pro(s):
- Provides systems that will continue standardization or compatibility with existing City systems.
- This will result in cost savings through reduced operations and maintenance.

Con(s):
- Sole source procurements may reduce competitive pricing.

Fiscal Impact:
- None at this time.

Motion:
- Motion to adopt a resolution allowing for the sole source procurement of Verkada Video Security Cameras for BPSS and Grant Center, Mach Alert Station Alerting for BPSS and using the Owners Preferred Alternate of Plymovent exhaust removal system and Schlang Door Hardware for BPSS, Yale Lock hardware for Grant Center, JCI HVAC controls for Grant Center and SolarEdge Photovoltaic Array inverters & optimizers for the BPSS and Grant Center.

RESOLUTION BOOK NO. 42 - PAGE 120

D. RESOLUTION NO. 21-38 - RESOLUTION ADOPTING THE INITIAL RESOLUTION FOR THE 2021 LIMITED OBLIGATION REFUNDING BONDS AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO AND CALLING FOR A PUBLIC HEARING ON MARCH 9, 2021

RESOLUTION NO. 21-39 - RESOLUTION ADOPTING THE INITIAL RESOLUTION FOR THE 2021 SPECIAL OBLIGATION REFUNDING BONDS DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF SPECIAL OBLIGATION BONDS AND CERTAIN RELATED MATTERS

Action Requested:

- Adoption of Initial Resolution for the proposed Limited Obligation (LOBS) Refunding Bonds
- Adoption of the Initial Resolution for the proposed Special Obligation (SOBS) Refunding Bonds
- Approval to receive public comments for the proposed Limited Obligation (LOBS) Refunding Bonds

Background:
- In May, 2018, Council authorized the issuance of a Limited Obligation Bond Anticipation Note in an amount not to exceed $48 million.
- Since that time, the City has drawn down $34.9 million on the loan.
- In order to refund the principal, the City intends to issue long-term, fixed-rate LOBS & SOBS Refunding Bonds in late April 2021.
- Projects funded with this debt issuance include TIGER VI construction in the River Arts District, Charlotte Street improvements, and the replacement of lighting at various parks facilities.
- The issuance of the LOBS Refunding Bonds requires a public hearing.

Council Goal:
- Financially Resilient City

Committee(s):
- None

Pro(s):
- Converts Limited Obligation short-term variable-rate debt to Limited Obligation and Special Obligation long-term, fixed-rate refunding bonds.
- Spreads capital costs over a longer term to better match assets' lives.

Con(s):
- None

Fiscal Impact:
- Annual debt service payments will increase because long-term fixed rates are higher than short-term variable rate debt. This increase is included in the City's long-range financial model for issuing and paying-off debt. The final amounts of the new debt service payments will be determined on the bond sale date.

Motion:
- Motion to adopt the LOBS and SOBS Refunding Bond Initial Resolutions
- Set a public hearing of March 09, 2021 for the LOBS Refunding bonds
- After receiving public comment regarding the LOBS financing, that Council consider final approvals for the LOBS and SOBS Refunding Bonds on March 23, 2021.

RESOLUTION NO. 21-38 - RESOLUTION BOOK NO. 42 - PAGE 121
RESOLUTION NO. 21-39 - RESOLUTION BOOK NO. 42 - PAGE 126

E. **RESOLUTION NO. 21-40 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH WESTERN CAROLINA RESCUE MINISTRIES, INC. TO EXTEND PROVISION OF CODE PURPLE EMERGENCY SHELTER**

ORDINANCE NO. 4854 - BUDGET AMENDMENT USING PAY-GO FUNDING PREVIOUSLY APPROVED TO SUPPORT AFFORDABLE HOUSING, TO EXTEND PROVISION OF CODE PURPLE EMERGENCY SHELTER

Action(s) Requested: Adoption of: 1) a resolution authorizing the City Manager's execution of a contract amendment with Western Carolina Rescue Ministries, Inc. to add $50,000 to the existing contract (currently $80,000, with $40,000 from the City and $40,000 from Buncombe County) in order to extend provision of Code Purple emergency shelter; and 2) approval of a budget amendment in the City's Special Revenue Fund in the amount of $50,000 using pay-go funding previously approved to support affordable housing.

Background:

- Code Purple is a longstanding practice where homeless shelter providers exceed regular capacity and waive regular rules on nights when the temperature or windchill are at/below 32 degrees in order to ensure survival of people experiencing homelessness.
- Code Purple is a community-led initiative that has primarily been coordinated by agencies in the Homeless Coalition.
- COVID-19 has created many challenges for homeless service providers and therefore, no emergency shelters were able to participate in Code Purple this winter at their facilities.
- Western Carolina Rescue Ministries, Inc. agreed to operate Code Purple in an off-site location.
- In order to meet these extraordinary circumstances, on December 1, 2020, the City of Asheville entered into an administrative agreement with Western Carolina Rescue Ministries, Inc. in which they provided up to 50 Code Purple beds at First Congregational United Church of Christ for the month of December.
- Funding for this first month of operations came from Coronavirus Relief Funding (CRF) previously approved by the City Council.
- On January 12, 2021, City Council ratified a new agreement with Western Carolina Rescue Ministries, Inc. to continue providing Code Purple shelter, with a not-to-exceed amount of $80,000.
- Funds for this contract were provided by $40,000 of pay-go funding previously approved to support affordable housing and $40,000 of funding from Buncombe County for this purpose.
- Additional funding is needed to ensure continuation of Code Purple for the remainder of the winter season.
- This contract amendment will add $50,000 for a not-to-exceed amount of $130,000.
- City staff have requested funding from other community partners to support this initiative.
- This amendment will encumber $50,000 of City funding to ensure no interruption of services while those decisions are pending.

Council Goal(s):

- A Well-Planned and Livable Community
- A Connected and Engaged Community
- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Continues the essential operation of Code Purple
- Supports survival for vulnerable community members
- Addresses public health and safety

Con(s):
- None

Fiscal Impact:
- As noted above, December costs were funded with Coronavirus Relief Funding (CRF).
- The City-funded portion of the current contract is $40,000.
- Buncombe County funded $40,000 of the origins; $80,000.
- The contract amendment will encumber an additional $50,000 of City funding.

Motion(s):
- Motion to adopt (1) a resolution authorizing the City Manager's contract amendment with Western Carolina Rescue Ministries, Inc. in the amount of $130,000 for the ongoing provision of Code Purple emergency shelter; and (2) approval of a budget amendment in the City's Special Revenue Fund in the amount of $50,000 to add pay-go funding previously approved to support affordable housing.

RESOLUTION BOOK NO. 42 - PAGE 129
ORDINANCE BOOK NO. 33 - PAGE 212

Mayor Manheimer announced that there were no advanced live call-ins for items on the Consent Agenda.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Turner moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - REPARATIONS COMMISSION

City Manager Campbell provided Council with an update on the Reparations Commission. She said that the key takeaways from this update will be (1) Repair the harm done by decades of discrimination; (2) Create opportunities for community input and dialogue (truth telling and healing); and (3) Strategic focus to define disparities and actions needed to address disparity and begin the process of creating generational wealth.

Her presentation overview will consist of (1) Overview of the Reparations Resolution; (2) Community Reparations Commission Process; and (3) Next Steps.

The reparations definition(s) include: (1) The action of repairing something"; (2) "The making of amends for wrong or injury done"; and (3) "The making of amends for a wrong one has done, by paying money to or otherwise helping those who have been wronged".

Resolution No. 20-128 - Supporting Community Reparations for Black Asheville, adopted on July 14, 2020, reads in part "WHEREAS, Black People have been: (1) denied housing through racist practices; (2) impoverished by discriminatory wages paid in every sector of the local economy; (3) experienced the denial of education through admission, retention and graduation rates; (4) receive inadequate, if not detrimental, health care; and (5) unjustly targeted by law enforcement and criminal justice procedures, incarcerated at disproportionate rates. ... NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City Council of the City of Asheville: (1) apologizes and makes amends for its participation in

and sanctioning of the Enslavement of Black People; (2) apologizes and makes amends for its enforcement of segregation and its accompanying discriminatory practices; (3) apologizes and makes amends for carrying out an urban renewal program that destroyed multiple, successful black communities; (4) calls on other organizations and institutions in Asheville that have advanced and benefitted from racial inequity to join the city in its apologies and invites them to address racism within their own structures and programs and to work with the city to more comprehensively address systemic racism; (5) calls on the State of North Carolina and the federal government to initiate policymaking and provide funding for reparations at the state and national levels; (6) directs the City Manager to establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the black community; (7) Fully supports its equity department, staff and its work, and encourages the city manager to utilize their talents when forming policy and programs that will establish the creation of generational wealth and address reparations due in the black community as mentioned above; (8) Seeks to establish within the next year, a new commission empowered to make short, medium and long term recommendations that will make significant progress toward repairing the damage caused by public and private systemic Racism. Other local government community organizations may also be invited to have representation on the Commission. The task of the Community Reparations Commission is to issue a report in a timely manner for consideration by the City and other participating community groups for incorporation into their respective short and long term priorities and plans. Accountability for achieving equity will be enforced in the appropriate offices. The report and the resulting budgetary and programmatic priorities may include but not be limited to increasing minority homeownership and access to other affordable housing, increasing minority business ownership and career opportunities, strategies to grow equity and generational wealth, closing the gaps in health care, education, employment and pay, neighborhood safety and fairness within criminal justice; and (9) calls on the city manager to give, at minimum, a bi-annual update to the city council on the progress of work performed pursuant to this resolution.

She explained the proposed process outline in three phases: PHASE 1: Information Sharing and Truth Telling - May 2021/June 2021; PHASE 2: Formation of the Commission - May 2021/July 2021; and PHASE 3: Finalize and present the report - January 2022/April 2023.

Regarding Phase 1 - Information Sharing and Truth Telling (May 2021 - June 2021) (1) Speaker Series: Recruit local and national speakers to share information followed by a facilitated discussion with the community about the community's: (i) Past - History of Asheville identifying key policies, actions etc. at the federal and state with emphasis on local policies and private practices that created or advanced disparity. Identify locations within the community that were impacted; (ii) Present - Current trends, data and disparity related to the key focus areas to be discussed by the Commission; and (iii) Future - Futurist/visionary to identify potential for Asheville related to the key focus areas, latest efforts and initiatives and trends to help stimulate thought about what changes are needed and are possible.

The desired outcomes in Phase 1 include: (1) Better understanding of policy impacts and where those impacts occurred; (2) Identify and understand current disparities and areas that need focus; (3) Identify barriers to addressing generational wealth; (4) Inspire our community to identify collaborative opportunities to create a more equitable Asheville; and (5) Hear community perspectives about our past, present and future.

Regarding Phase 2 - Formation of the Commission (May 2021 - July 2021) (1) Commission consist of 21-25 total participants (i) 11- 13 Representatives from neighborhoods/areas that were impacted by policies and practices that created disparities (a) Neighborhoods/areas selected will be informed by phase 1; and (ii) 10- 12 Broad Community Sector Representatives (a) Appointed by City Council and County Commission; (2) Charge of the

Commission - empowered to make short, medium and long term recommendations that will make significant progress toward repairing the damage caused by public and private systemic racism; (3) Key Focus Areas: (a) The Commission takes deep dive and discusses areas of disparity; (b) Divides itself into smaller work groups to develop specific strategies to address disparities based on key focus areas. (i) Housing; (ii) Economic Development; (iii) Public Health; (iv) Education; and (v) Public Safety and Justice; (4) The Commission meets monthly or more often as needed to exchange ideas and discuss issues; (5) The work groups would consist of 3-5 people to provide deeper discussion and to develop key strategies for consideration by the larger Commission; and (6) Sub work group meetings should occur once a month or more as needed.

The desired outcomes in Phase 2 include (1) Recruit diverse representation to participate on the Commission i.e. include people from impacted areas with lived experiences coupled with subject matter experts; and (2) Increased awareness of disparities and focus on potential strategies to address issues building on the various perspectives and/or experiences.

Regarding Phase 3 - Finalize and Present the Report (January 2022 - April 2023), the schedule for Commission deliverables are as follows: Short term recommendations: January 2022; Medium term recommendations: July 2022; Long term recommendations: January 2023; and Final report March/April 2023.

The desired outcomes in Phase 3 include (1) Advancement of key strategies in a timely manner; (2) Recommendations aligned with the City and County budget processes and schedules; and (3) Final recommendations to develop funding and implementation strategies

Resources needed include (1) Funding to support Speaker Series; (2) Funding to support Commission Members (travel, meals if in person, possible stipend for participation and other ways to address possible barriers to participation); (3) Funding for facilitators for full Commission and work groups discussions (recruit local facilitators for various work groups); and (4) City and County staff to support Commission and work groups in addition to facilitators.

Next steps include (1) Identify partners and funding opportunities; (2) Recruit speakers and finalize dates; (3) Identify project manager and recruit facilitators; and (4) Continue outreach and dialogue with other communities and content experts for information, lessons learned and possible course adjustments.

Council Members thanked City Manager Campbell for this great start, noting that this is a huge undertaking for our community and we want it to be meaningful.

When Councilwoman Turner asked if the City can do their selection process quicker, City Manager Campbell explained that this is extremely important to the community and she would like it done in a way that we don't rush. In addition, we are in the midst of a budget process and it's taking a tremendous amount of resources, as staff is learning to do things differently.

Councilwoman Roney said that while we are looking at what reparation means, we need to look for opportunities for not creating more harm so that we can start to build the resources, whether its land or money, to resource reparations and not continuing harm. When we talk about truth and reconciliation and repair, she didn't see anything in the presentation yet about how we are going to stop perpetuating harm.

City Manager Campbell responded by saying that this is an underlying value. It is something that we have tried to do all along and sometimes, unfortunately, we do cause harm; however, we are acknowledging that and learning from our mistakes.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY CONNECTING EAST OF BELLEVUE ROAD AND WEST OF EDGEWOOD ROAD

Assistant Transportation Director Jessica Morriss said that this is a public hearing to permanently close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road. This public hearing was advertised on January 29, February 5, 12 and 19, 2021.

Background:

- City Council passed a resolution January 26, 2021 to set a public hearing for the proposed closure on February 23, 2021. City Council will vote on the proposed closure March 9, 2021.
- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Spano and Associates Asheville, LLC has petitioned for this closure and they own the property associated with the Edgewood Road South Subdivision project (19-08084PZ) that was approved with conditions by the Technical Review Committee on March 2, 2019.
- The unopened right-of-way formerly connected on the southern side of the unopened portion of Bellevue Road and presently does not connect to any other right-of-way.
- This closure would not impede any future transportation connections nor does it conflict with any utility access.
- The length of the proposed closure is approximately 350 feet and the width is 25 feet.
- Signs were placed at two locations along the right-of-way announcing the public hearing and potential closure.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 10, 2020 - approved unanimously.

Pro(s):

- Promotes sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:40 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Turner moved to recess this item until March 9, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

B. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY CONNECTING TO BILTMORE AVENUE, DIRECTLY SOUTH OF WHITE FAWN DRIVE

Assistant Transportation Director Jessica Morriss said that this is a public hearing to permanently close an unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive. This public hearing was advertised on January 29, February 5, 12 and 19, 2021.

Action Requested: Adoption of a resolution to permanently close a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive.

Background:

- City Council passed a resolution January 26, 2021 to set a public hearing for the proposed closure on February 23, 2021. City Council will vote on the proposed closure March 9, 2021.
- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Milan Asheville, LLC has petitioned for this closure and they own the property at 324 Biltmore Avenue (PIN # 9648-46-4336).
- This closure request is associated with the Residence Inn (FKA Extended Stay Hotel at Hospital Center) (18-05806PZ) that was approved by City Council on March 12, 2019, under Ordinance No. 4733 and approved with conditions by the Technical Review Committee on January 6, 2020.
- This closure will not impede any future transportation connections nor does it conflict with any utility access.
- The length of the proposed closure is approximately 133 feet and the width is 8 feet.
- Signs were placed at two locations along the right-of-way announcing the public hearing and potential closure.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 10, 2020 - approved unanimously.

Pro(s):

- Promotes sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:44 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Wisler moved to

recess this item until March 9, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

C. PUBLIC HEARING TO CONSIDER THE VOLUNTARY ANNEXATION OF .47 ACRES OFF OF OAK HILL CIRCLE AND MOORECREST ROAD

Principal Planner Shannon Tuch said that this is the consideration of a public hearing to consider the voluntary annexation of .47 acres off of Oak Hill Circle and Moorecrest Road. This public hearing was advertised on February 12, 2021.

Background:

- The property owner, Boomville Properties, LLC, has petitioned the City of Asheville for the annexation of 0.47 acres located at 99999 Moorecrest Road and identified in the Buncombe County tax records as PIN 9629-80-7863.
- The property is currently vacant.
- The property is contiguous to the City of Asheville corporate limits, is described in the ordinance and petitioner's Exhibit A, and qualifies for annexation by petition as set forth in the North Carolina General Statutes 160A-31 and NC General Assembly Session Law 2005-139.
- Resolution 21-29 was adopted on February 9, 2021 setting the public hearing for February 23, 2021.
- Pursuant to NCGS 160A-31, a public hearing must be held prior to adopting an ordinance for voluntary annexation.
- The petitioner has submitted a subdivision application for 12 lots, two of which are located in the subject area that are part of the voluntary annexation petition.
- This application has been suspended pending the outcome of this request.
- The City of Asheville is obligated to provide services to the 10 proposed lots within the City's jurisdiction and, through this annexation, would extend those services to the additional two lots.
- If the City Council decides to proceed with this request, the effective date for annexation would be March 9, 2021.
- The annexation becomes effective immediately once an affirmative vote is reached.
- Should the annexation be approved, there is a 60 day transition period during which the city must assign a zoning designation to the property.
- A separate report recommending a zoning assignment of RM-16 has been submitted.

Council Goal(s):

- A well-planned & livable community

Committee(s):

- None.

Pro(s):

- Provides for the orderly growth of the City and the tax base through the acceptance of appropriate areas into the corporate limits where owners desire annexation.

Con(s):

- None.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that it: (1) Supports residential infill in areas that can support orderly growth consistent with surrounding neighborhoods; and (2) Supports a sustainable path to balanced budgets.

Fiscal Impact:

- This request includes the voluntary annexation of 0.47 acres of property into the City which will provide new property tax revenue with minimal increase to services.
- Two single-family lots are planned for the property that, if approved, would generate approximately $3,100 in city property tax based on the sale price proposed by the owner/developer.
- City service departments did not identify any service concerns and supported the inclusion of the two parcels with the rest of the development.

In response to Councilwoman Wisler, Ms. Tuch said that the developer wishes to annex his property in that he also owns a parcel to the east and he wants to do a subdivision on the property for 12 single family lots. The way the subdivision is designed, the last two lots would be located in Buncombe County so in order for them to receive the same services, he thought it best to have the entire parcel serviced by the same entity.

In response to Councilwoman Roney regarding any traffic mitigation due to the increased density, Ms. Tuch said that when the development application is submitted, that triggers the City's review from the Technical Review Committee. As the City is aware of the concerns, they have asked the City's Transportation Director and Public Works Director any thoughts to offset or mitigate those concerns.

Ms. Tuch responded to Councilwoman Turner when she asked the difference between an initial zoning and a rezoning.

Mayor Manheimer opened the public hearing at 5:56 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Wisler moved to recess this item until March 9, 2021, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

D. PUBLIC HEARING TO CONSIDER THE INITIAL ZONING OF .47 ACRES OFF OF OAK HILL CIRCLE AND MOORECREST ROAD TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT AND TO ASSIGN THE DESIGNATION OF TRADITIONAL NEIGHBORHOOD ON THE CITY'S FUTURE LAND USE MAP

Principal Planner Shannon Tuch said that this is the consideration of a public hearing to consider the initial zoning of .47 acres off of Oak Hill Circle and Moorecrest Road to RM-16 Residential Multi-Family High Density District and to assign the designation of Traditional Neighborhood on the City's Future Land Use Map. This public hearing was advertised on February 12, 2021.

Project Location and Contacts:

- The voluntary annexation petition includes a 0.47 acre portion of property located at 99999 Moorecrest Rd. (PIN 9629-80-7863) and is owned by Boomville Properties, LLC.
- Petitioner: Matthew Dyer.

Summary of Petition:

- The subject property is a 0.47 acre portion of a larger 1.33 acre parcel located off of Moorecrest Rd. in west Asheville.
- The majority of the parcel, approximately 0.86 acres, falls within the City's jurisdiction and the property owner has petitioned the City to annex the remaining 0.47 acres (under a separate public hearing to be heard by Council on February 23, 2021).
- The petitioner has also submitted a subdivision application for 12 new single-family home lots with road and utility service that includes the subject property along with a 0.76 acre parcel directly adjacent to the east.
- This application is on hold pending the outcome of this annexation request.
- Having all of the property in one jurisdiction will allow for consistent road, sanitation and public safety service to the new lots/homes.
- The properties have frontage along, and are accessed primarily from Moorecrest Rd. but are also located at the terminus of Oak Hill Circle.
- The 0.86 portion of the property, along with the adjacent 0.76 acre parcel, are currently zoned RM-16 and carry the designation of Traditional Neighborhood as shown on the City's Future Land Use map.
- The proposed initial zoning designation and Future Land Use map designation for the 0.47 acre piece would be consistent with these properties.
- The 0.47 acre property is currently zoned R-3 in Buncombe County, which is a residential zoning district that allows a range of housing types.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the Traditional Neighborhood future land use designation is assigned to more compact and walkable residential areas that provides a range of housing types at a moderate density (4-8 units/acre) with the RM-16 zoning district identified as an appropriate zoning found within Traditional Neighborhood areas.
- This rezoning supports opportunity for infill housing in a moderately dense and strategically located neighborhood, thus aligning with key goals in the Livable Built Environment Plan section.

Compatibility Analysis:

- The purpose of the RM-16 zoning is to provide a full range of high density housing types located near employment centers, shopping facilities, roads and other urban infrastructure.
- The proposed RM-16 and Traditional Neighborhood designations are consistent with the portion of the property already located in the City, along with other properties located to the west, east and south of the subject property.
- Properties to the north that are located in Buncombe County are zoned R-3 which, similar to RM-16, is a residential district that allows high density single or multi-family residential.

Council Goal(s):

- A well-planned & livable community

Committee(s):

- The Planning & Zoning Commission reviewed the request at their February 3, 2021 meeting and voted unanimously (6:0) to approve the request.

Pro(s):

- Assigns a designation consistent with the surrounding zoning and uses.
- Supports consistency with the zoning of the parent parcel.
- Allows opportunity for higher density infill housing in a locationally efficient area.

Con(s):

- None identified.

Mayor Manheimer opened the public hearing at 5:57 p.m.

Sarah Benoit, resident on Oak Hill Drive, said their neighborhood is not opposed to responsible building; however, Oak Hill Road has existing traffic problems and will look forward to hearing any mitigating measures for a positive project in the future.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Turner moved to recess this item until March 9, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4855- ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES II, III, V, VIII, IX AND XVII IN ORDER TO ADOPT NEW STANDARDS REGULATING HOTELS AND ASSOCIATED CHANGES

Mayor Manheimer said that this public hearing was held on February 9, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After hearing additional written public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the revised ordinance and it would not be read.

Planning & Urban Design Director Todd Okolichany provided Council with a memo to update them on the revisions that Planning & Urban Design staff have made to the hotel development regulations following the public hearing on February 9, 2021. He reminded Council that the Planning and Urban Design staff presented proposed text and map amendments to the Asheville City Council regarding new hotel development regulations following a one and a half year study and public engagement process. Council had some additional concerns regarding the proposal. The following summarizes the revisions staff has made to the proposed regulations in order to address those concerns.

The following changes have been made to the Public Benefits Table:

- Increased the overall required points for hotels by 40-60 points
  - 22% to 40% increase for hotels in urban areas
  - 33% to 150% increase for hotels in suburban areas
  - **Will result in more or higher level public benefits being required**
- Further prioritized affordable housing and reparations options (Group 2)
  - Revised Group 2 to only include affordable housing and reparations options
  - 50% of required points must go toward either affordable housing or reparations
  - **Will ensure that hotel projects will have to either build affordable housing or contribute money toward affordable housing or reparations**
- Removed points for lower monetary contributions toward affordable housing and reparations ($1,000 and $2,000 options removed)
  - **Will ensure that hotels contribute a higher amount to affordable housing or**

reparations
    - For example, a large 100 room hotel in the downtown will have to contribute a minimum of $4,000 per room (or $400,000) in addition to other public benefits compared to a minimum of $1,500 per room (or $150,000) plus other benefits under staff's previous proposal
    - A $6,000/room option is still available and has been further incentivized
- Moved other equity-related benefits from Group 2 to Group 3
    - Will ensure that affordable housing and reparations benefits are the top priorities
    - Eliminates competition amongst these benefits
- Adjusted several other point allocations to incentivize equity-related benefits
    - Examples include lowering B corp and non-equity related options

The following changes have been made to the February 9 ordinance to address concerns about appointments to the Joint Design Review Committee:

- The Asheville City Council will make the appointments, consisting of four members from the Downtown Commission and four members from the Asheville Area Riverfront Redevelopment Commission.
- The ninth member will still be appointed by the seated members of the Joint Design Review Committee.
- Under staff's former proposal, the Downtown and Riverfront commissions would have made the appointments.

At Councilwoman Wisler's request, City Attorney Branham spoke on the legal limitations of banning hotels as a permitted land use and with continuing the hotel moratorium. In summary, the City lacks the legal authority to ban hotels outright and that moratoriums must be temporary in nature, noting that we have near or beyond the maximum limit suggested by case law.

In response to Councilwoman Wisler, City Attorney Branham said that under the law, City Council has the ability to accept or deny an application for a conditional zoning. As part of that authority, Council has the ability to impose certain site specific conditions (not things benefiting the community as a whole as seen in the public benefits table) which the developer must also voluntarily agree upon. In the past we have had hoteliers volunteer to provide some public benefits; however, we have very limited authority as a city to enforce such a donation if the developer does not follow-through with those public benefits. What staff is proposing as part of the hotel development regulations is a brand new incentive based program whereby a developer can voluntarily choose to utilize the public benefit options and by satisfying them, they have the option of going through a streamlined review process. The City will then be able to enforce the public benefit options the developer chose as a zoning violation. If they choose not to use the public benefits table option and proceed directly to City Council, and City Council tries to negotiate these general public benefits, those options will not be conditions to the project which the City can enforce.

In response to Councilwoman Turner, City Attorney Branham said that he thinks that it would be viable for a developer to choose Group 2 and if it had to pay $400,000 in benefits, it could contribute $200,000 to affordable housing and $200,000 to the reparations fund. That could be an option for an amendment in the future.

In response to Councilwoman Turner, Mr. Okolichany said that the process includes a staff presentation to the Downtown Commission or the Riverfront Redevelopment Commission. Staff would then take that feedback to the Design Review Committee. The community will have more opportunity for public input if a hotel is in one of those areas.

Councilwoman Turner encouraged the community to continue to share input on these regulations because the regulations and map can be amended. She would like to revisit whether or not just affordable for-sale housing would be adequate or whether we needed to look at affordable for-rent housing; along with revisiting the lodging tax.

When Mr. Okolichany said that staff is prepared to come back to Council in 6-months with an update, Vice-Mayor Smith suggested staff provide Council with a demonstration of what an application would look like from submission to approval. She felt that will give the community an opportunity to suggest some changes as well.

Councilwoman Mosley noted that this will be our first official vote on establishing a reparations fund.

In response to Councilwoman Roney, City Attorney Branham said that the design review board is an optional step being added in order to incorporate the desired architectural and design specific elements into projects. This would be utilized as part of the incentive based process whereby an applicant is willing to provide community benefits in lieu of going to Council. If, instead, the Council were part of this process he doubted that applicants would see the benefit of taking this path. Therefore, you may end up without much benefit. This is more of a practical consideration than a legal one. In addition, if projects have to go to Council in the end, the community benefits table elements are probably beyond what could be requested as part of the conditional rezoning process. He believed the majority, if not all of them, can only be granted voluntarily in exchange for the incentive being offered. This legal prohibition exists more in case law than any specific statutory or code reference. It's a body of law known as unconstitutional exactions.

Councilwoman Roney said that from the starting point where Council was on February 9, 2021, on the public benefits table, she felt we need to value our community now by doubling the points across the board in the required total points. She requested a quarterly review at a minimum from the City Council Planning & Economic Development Committee (PED). And, with that quarterly review from the outcomes of our decisions tonight, she asked for an analysis and recommendation from that Committee. That recommendation might include whether or not Group 1 needs to be a required goal because what she is hearing from Black, Brown, and Indigious youth is that economic justice and reparations is intertwined with climate justice and getting in right relationship with the planet. We have not gotten to that conversation, but that is something we could bring up in quarterly reviews. That would give the community the opportunity to engage Council twice, at PED and at the full Council.

Councilwoman Roney moved to approve the proposed wording amendments to Articles II, III, V, VIII, IX, and XVII of the UDO with the conditions that the public benefits table be amended to reflect the prioritization of affordable housing and reparation options, an across the board 100% increase in the required total points from the public benefits table presented to Council on February 9th, and adjustments to point allocations intended to incentivize equity-related benefits, and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendment will (1) manage the growth of new hotels, (2) offset the impacts of hotels by incentivizing the provision of public benefits into new hotel development projects, (3) promote quality architecture, building design and placemaking, and (4) provide a clear and transparent development review process for hotels by coming to the City Council Planning & Economic Development Committee for quarterly review and the full Council. This motion was seconded by Vice-Mayor Smith.

Councilwoman Mosley and Councilwoman Wisler felt the 100% increase is so large that it will disincentivize developers. We are trying to get developers to use this table so we can get community public benefits.

Councilwoman Kilgore was concerned with the 100% increase as well. We need to incentivize lower priced hotels in order to provide competition for the larger hotels. She was concerned that we will be forcing hotels to build in the County but they will still take advantage of City services.

After a brief discussion of the motion, and for purposes of clarification, Councilwoman Roney restated her motion with the deletion of the quarterly review. After a roll call vote, said motion failed on a 2-5 vote, with Mayor Manheimer, Councilwoman Kilgore, Councilwoman Mosley, Councilwoman Turner and Councilwoman Wisler voting "no."

Councilwoman Kilgore moved to approve the proposed wording amendments to Articles II, III, V, VIII, IX, and XVII of the UDO with the conditions that the public benefits table be amended to reflect the prioritization of affordable housing and reparation options, an overall increase in the required total points, and adjustments to point allocations intended to incentivize equity-related benefits, and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendment will (1) responsibly manage the growth of new hotels, (2) offset the impacts of hotels by incentivizing the provision of public benefits into new hotel development projects, (3) promote quality architecture, building design and placemaking, and (4) provide a clear and transparent development review process for hotels by coming to the City Council Planning & Economic Development Committee for quarterly review and the full Council. This motion was seconded by Councilwoman Wisler and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no".

Councilwoman Roney asked Council to remember the outcomes that continue in the aftermath of the sale of Mission Hospital. Community members called on us to earmark additional property taxes for the social determinants of health. Specifically for expanded City services that we already provide, things like affordable housing that we are working on and transit. On a County level for early childhood education which they are making action on and moving on. So, the main point was not to absorb that new revenue for privatization of Mission Hospital into our General Fund. So acknowledging our community's long history with tourism, we can't say reparations out of one side of our mouths and then continue ongoing harm from the other side, like gentrification, low wages and supporting an industry fundamentally based on extraction of our natural resources, our labor and our occupancy taxes. She said that staff spent 1.5 years mapping an existing hotel and resort zoning and everyone in Asheville is receiving property revaluation notices, so our property taxes are going to go up at some point. At the soonest opportunity, she would like a review for our Finance Committee with a report to Council on the impact from this moment on of every increase of property taxes from our existing and future hotel lodging and resort zoned properties to be considered for a participatory budgeting process geared at reparations.

City Attorney Branham felt that Councilwoman Roney's request should be made directly to the City Manager to comply with the Council-Manager form of government.

ORDINANCE BOOK NO. 33 - PAGE 213

B. ORDINANCE NO. 4856- ORDINANCE TO APPLY A NEW HOTEL OVERLAY DISTRICT TO CERTAIN PROPERTIES WITHIN THE CITY OF ASHEVILLE CORPORATE LIMITS

Mayor Manheimer said that this public hearing was held on February 9, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After hearing additional written public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the revised ordinance and it would not be read.

Planning & Urban Design Director Todd Okolichany provided Council with a memo to update them on the revisions that Planning & Urban Design staff have made to the Hotel Overlay District Map following the public hearing on February 9, 2021. He reminded Council that the Planning and Urban Design staff presented proposed text and map amendments to the Asheville City Council regarding new hotel development regulations following a one and a half year study and public engagement process. Council had some additional concerns regarding the proposal. This memo summarizes the revisions staff has made to the proposed hotel overlay district map in order to address those concerns.

The following changes have been made to the Hotel Overlay District Map:

- Removed properties where the proposed Hotel Overlay District overlapped with urban renewal program areas and removed any resulting non-contiguous parcels, including a small area on Depot Street.
- Removed the property located at 185 Clingman Avenue (The Grey Eagle Music Hall property).

Councilwoman Roney appreciated some of the changes, such as excluding the single Depot Street property from the Hotel Overlay Map; however, to truly protect the Southside from expedited gentrification, we must ensure it's not surrounded at every entrance with hotel use by right. She asked that Lyman Street, Coxe Avenue, and any properties adjacent to the Urban Renewal Program Area be removed from the Hotel Overlay Map.

Councilwoman Turner said that she has not seen a map with Councilwoman Roney's suggested changes and wondered if this is something we can circle back on for some map amendments.

Councilwoman Wisler moved to approve the zoning action to apply a new Hotel Overlay District with the condition that the map be amended to: (1) remove the property located at 185 Clingman Avenue (The Grey Eagle property) from the overlay district; and (2) remove the properties which overlap with the Urban Renewal Program Area and any resulting non-contiguous parcels; and find that the request is reasonable, is in the public interest, is consistent with the City's comprehensive plan and meets the development needs of the community in that it will (1) encourage responsible growth that aims to control and offset impacts of hotels; (2) limit the geographic extent of hotels to contextually appropriate locations; and (3) encourage historic preservation and adaptive reuse. This motion was seconded by Councilwoman Kilgore.

Councilwoman Roney moved to amend the main motion to approve the zoning action to apply a new Hotel Overlay District with the condition that the map be amended to: (1) remove the property located at 185 Clingman Avenue (The Grey Eagle property) from the overlay district; (2) remove the properties which overlap and are adjacent to the Urban Renewal Program Area and any resulting non-contiguous parcels; and find that the request is reasonable, is in the public

interest, is consistent with the City's comprehensive plan and meets the development needs of the community in that it will (1) encourage responsible growth that aims to control and offset impacts of hotels; (2) limit the geographic extent of hotels to contextually appropriate locations; and (3) encourage historic preservation and adaptive reuse. This motion was seconded by Vice-Mayor Smith and by roll call vote, said amendment filed on a 3-4 vote, with Mayor Manheimer, Councilwoman Kilgore, Councilwoman Turner and Councilwoman Wisler voting "no".

Councilwoman Turner suggested that the map amendments proposed by Councilwoman Roney be brought back for further review and possible map amendments.

By roll call vote, the main motion made by Councilwoman Wisler and seconded by Councilwoman Kilgore, carried on a 6-1 roll call vote, with Councilwoman Roney voting "no".

ORDINANCE BOOK NO. 33 - PAGE 241

C. MOTION TO REQUEST ESSAYS AND INTERVIEWS FOR THREE CURRENT BOARD MEMBERS PLUS FOUR OTHER APPLICANTS FOR SEATS ON THE ASHEVILLE CITY BOARD OF EDUCATION

CONFIRMATION OF ESSAY QUESTIONS TO THE ASHEVILLE CITY BOARD OF EDUCATION CANDIDATES

Councilwoman Mosley moved to to request essays and interviews for 3 current board members (Joyce Brown, Patricia Griffin and James Carter) plus 4 other applicants (Michele Delange, Jacqueline Carr McHargue, Peyton O'Conner, and George Sieburg). This motion was seconded by Councilwoman Wisler.

Councilwoman Roney said many educators, parents and students have contacted her regarding this process. She suggested that we listen and lead in a way that will make space for inclusion with the intent to promote healing. We already had one candidate withdraw and within two years City Council will likely be facing another appointment process. She just went through a public process where she was among neighbors who were excluded from conversations and processes, so she moved to amend the motion to include all 15 remaining applicants in the essay questions and interview process. This motion died for a lack of a second.

In response to Mayor Manheimer, City Attorney Branham said that Council does not need an official vote to confirm the essay questions.

From advanced live call-ins, five individuals voiced their disappointment in narrowing the timeline for these appointments, which did not allow the Asheville Association of Educators Government Relations Committee to provide their endorsements.

In response to Councilwoman Turner, City Attorney Branham said that the only requirements imposed upon City Council is the final appointment of the Asheville City Board of Education members by April 1. What happens between that time is a process which has been determined by City Council with the assistance of staff to vet the candidates.

When Councilwoman Turner encouraged City Council to hold a joint meeting with Buncombe County and the Asheville City Board of Education, Mayor Manheimer updated Council that she and Commission Chair Newman, the City and County Managers, and the School Superintendent and School Board Chair have met and they are tentatively looking at April to get the joint meeting scheduled.

The motion made by Councilwoman Mosley and seconded by Councilwoman Wisler carried on a roll call vote of 6-1, with Councilwoman Roney voting "no".

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-41 - RESOLUTION ADOPTING THE CITY COUNCIL LEGISLATIVE AGENDA

Mayor Manheimer said that the Government Committee met earlier and made several changes (which have been sent to City Council) to the Legislative Agenda. She said the bill filing deadline is February 25, and noted we have a legislative delegation that is eager to hear from Asheville.

City Attorney Branham said that this is the consideration of adoption of the 2021 Legislative Agenda.

Background:

- The 2021 legislative session of the North Carolina General Assembly commenced in January of this year.
- The deadline for filing local bills with the House drafting office is March 3rd, and the deadline for the Senate drafting office is February 25th.
- Historically, the City Council has adopted a legislative agenda to provide direction to our local delegation on those priorities for local or general legislation which the City wishes to pursue.

Council Goal(s):

- A Financially Resilient City, An Equitable & Diverse Community, Transportation & Accessibility

Committee(s):

- Governance

Pro(s):

- Provides direction to our local delegation on Council's legislative priorities, and serves as a starting point for presentation of potential general and local acts which would benefit the City.

Con(s):

- None.

Fiscal Impact:

- None.

Mr. Branham responded to various questions/comments from City Council while he summarized the legislative priorities as follows: (1) Support budgetary measures that fully restore funding the SMAP for urban transit systems, and its companion rural program, Rural Operating Assistance Program (ROAP) and coordinate these efforts to the extent practical with other local municipalities; (2) Support legislation to provide authority for Asheville, or general legislation to empower cities throughout the State to conduct a local referendum on the institution of a municipality specific quarter cent sales tax to fund public transit; (3) Support legislation to provide local or general authority for the establishment of a civilian oversight board to review police use of force cases, and to provide recommendations to the Chief of Police regarding disciplinary action; (4) Support legislation to amend or reform Session Law 2015-128 to direct a more equitable

distribution of funds collected, expand the allowable uses of the funds to benefit the community, and increase the spectrum of qualified Tourism Development Authority board membership to allow for broader and more representative community engagement. The City of Asheville would specifically request that allowances for membership be provided for community members working in the arts and entertainment industry, tourism based service workers, and those owning and operating short-term rental or homestay properties; (5) Support legislation to make clear authority for electronic meetings permanent and usable at the discretion of local governments; (6) Support a legislative amendment providing clear direction to public bodies that votes may be taken, if otherwise permitted by law, at the same remote meeting in which the relevant public hearing is conducted; and (7) Oppose legislation which would defund cities who make adjustments to their local law enforcement budgets, including but not limited to the currently pending Senate Bill 100.

Mayor Manheimer said that the elected School Board is not on this legislative agenda because our legislators want an agenda that has unanimous support, and she didn't think there is unanimous support from Council on that legislative item.

Mr. Patrick Conant requested a more open and earlier process for the development of this legislative agenda in the future so that public comment can be considered and revisions made within the necessary timeframe. He also asked Council to vote on individual items as they emerge throughout the year. He also provided specific feedback on the Civilian Oversight Board, the occupancy tax and the authority for electronic meetings.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the revised resolution and it would not be read.

Councilwoman Wisler moved to approve the revised 2021 City Council Legislative Agenda and to direct the City Attorney to provide the resolution to the members of our local delegation. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 130

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mayor Manheimer gave an update regarding the City's position regarding the Bluff's development in Woodfin. The City of Asheville is not going to participate in the Woodfin's Planning & Zoning Commission meeting (which is only a request for a conditional use permit to exceed the allowable height restriction) nor is the city going to seek standing as a party in that procedure. However, since what is proposed will affect City streets, it's quite possible that the applicant will have to seek a permit for road connections through the Richmond Hill neighborhood. The N.C. Dept. of Transportation is in the process of obtaining a Traffic Impact Analysis, and the City will be reviewing this to determine what requirements would need to be placed on the developer in order to obtain the permit to connect to City streets. Councilwoman Turner wondered whether or not Woodfin would be applying to Asheville City for water and sewer connections as part of their development.

From advanced live call-ins, 18 individuals spoke to Council, including, but not limited to the following comments: opposition to the Bluff's development at Richmond Hill and request City Attorney to represent City residents who are opposed to this development; litter and trash from Sonic on Tunnel Road at Governor's View Road; need to listen to the community and reconsider the School Board process; need to follow-through on reparations; vote "no" on all hotels; and the City should give all urban renewal property back to the Black community and let them decide collectively on what they want done with it.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:03 p.m.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – March 9, 2021 - 1:00 p.m.

Budget Worksession

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

City Manager Campbell said this is the first in a series of budget worksessions. She explained that staff will provide Council with (1) Budget 101; (2) current year - Fiscal Year 2021 status); (3) next year - Fiscal Year 2022 budget process (a) external and internal work; (b) revaluation; and (c) employee compensation; and (4) summary and next steps.

Tony McDowell, Interim Finance Director, explained that in response to the economic turndown, we balanced the Fiscal Year 2021 budget by (1) appropriated fund balance; (2) no raises for employees; (3) implemented hiring review and held positions vacant; (4) kept operating budgets flat; (5) no new services or expansions; and (6) avoid layoffs, furloughs, or service reductions. Positives signs on revenues include (1) sales taxes up 5.8% through first 5 months of fiscal year; (2) property tax base growth higher than original estimate; and (3) other general fund revenues generally on budget. He showed a slide of the COVID-19 impact on sales taxes. Positive signs on expenses include (1) overall, expenses trending in line with budget; and (2) achieved savings from frozen positions and other vacancies - utilized savings and CARES Act funding to recognize frontline and onsite employees.

He then provided the current year summary (1) revenue trending better than expected; (2) budget reductions made to balance current year helped in the short term; (3) continue to manage expenses through the end of this fiscal year; and (4) uncertainty remains until pandemic is over.

Taylor Floyd, Budget Manager, reviewed the Fiscal Year 2022 budget development - reviewing current services with equity lens, explaining the budget development guiding principles with Council's priority strategies. Next year's revenue context includes (1) revaluation and property tax rate; (2) economic recovery and continued sales tax growth; (3) additional federal stimulus; (4) assessing impact of taxes, fees and charges on community; (5) funding current year reductions; (6) state retirement cost increase; (7) compensation study implementation; (8) new fire station staffing; (9) reimagining public safety; (10) reparations; and (11) transit. He then explained on how we changed the internal budget process.

Paulina Mendez, Training Consultant for the Office of Equity & Inclusion, said that they have included equity and inclusion in the budget process. Equity is the path to justice. With the equity and inclusion lens, department conversations included the following framework questions (1) who are the most impacted by inequity in our community; (2) how do the services your departments provide affect those most impacted; and (3) how can services be adjusted to enhance positive or mitigate negative impact. We change services by (1) uncovering negative impacts; (2) looking for low/no-cost options to change how we deliver services; and (3) opportunity for continued public engagement to help identify solutions.

Shemekka Ebony, Shemekka Ebony Firm, said that she and Christine Edwards, Amplify Consulting, are two consulting firms supporting the next round of reimaging public safety engagement efforts. Regarding reimagining public safety engagement, in 2020, the consultant team organized and hosted 6 virtual listening sessions and 1 in-person session from September 3-11 and met with members of the community and community stakeholders to learn more about how the community is coming together to reimagine public safety and to promote the City of Asheville public safety survey hosted on publicinput.com. The City received over 1,200 survey responses after the first listening session on September 3. At the end of the engagement process, the public safety survey had 5797 participants confirmed. The consultant team successfully increased survey responses and welcomed Asheville residents into the virtual environment to openly provide their feedback. At each virtual listening session, the consultant team asked three questions - (1) what does safety mean to you; (2) which services should be a priority and which should be reallocated; and (3) who's missing from the conversation. Through the engagement process, it appears that Asheville residents are experiencing different versions of the City of Asheville based on their interactions with public safety professionals and general feeling of acceptedness in the community. Community organizers have expressed interest in learning more about how the City of Asheville allocates funding on public safety and would like to have a better understanding of city operations in general. Many long time Ashevillians are supportive of the City's outreach efforts and are inspired by the community's desire to change. They are appreciative of the allies who are already involved and have hope for consistent community engagement. Continuing the work, (1) working externally with a group of community stakeholders March-May 2021; (2) the participants have either participated in last year's engagement sessions and/or are newly engaged; and (3) capacity building structure to support continued engagement from residents of Asheville in City of Asheville decision-making.

Mr. McDowell then gave a revaluation overview, which consisted of (1) when is value determined; (2) the valuation and tax rate history; (3) the revaluation timeline; (4) what revenue neutral rate is; and (5) the next steps for the City of Asheville.

Special Assistant to the City Manager Peggy Rowe then explained the employee compensation in the Fiscal Year 2022 budget development. Her key takeaways include (1) a competitive and fair compensation package is at the center of what employees want from their employer; (2) the City's salary structure is below the market average on all key comparisons; (3) paying less than competitive salaries has a negative impact on service delivery; (4) by ensuring that the pay structure is competitive, the City will be better able to attract and retain employees; and (5) the City's benefits package is generally very competitive.

She (1) provided the current status of the City's compensation and benefits; (2) demonstrated the urgent need to address the compensation shortfall; (3) provided options and the costs for such; and (4) asked for Council's direction on a path forward. She provided information on the approximately 655 employees (50% of current workforce) with the City of Asheville who earn a salary below the minimum being recommended by The Archer Company (firm engaged in 2019 to analyze the City's compensation and benefits package). Archer stated in their report that (1) certain aspects of the pay structure at the City of Asheville are not competitive; and (2) the City has difficulty in attracting and retaining employees in some positions. These facts, given the City's stated compensation policy to pay 100% of the market average, led Archer to recommend new pay ranges that will make the Asheville's salaries more competitive. Overall the City's salary is below the market average on all key comparisons. The City's minimum pay rates are at 92% of market. The City's midpoint pay rates are at 91% of market. In order to compete for talent, our goal is to be at 100% of the market. By ensuring that the pay structure is competitive, the City will be better able to attract and retain employees. Over the past year, the City of Asheville experienced 18% turnover, with the departments with especially high turnover being the Police Department, the Parks & Recreation Department, the Public Works Department, and the Water Resources Department. She explained the correlations with turnover

and salary and the turnover cost. She then explained pay compression, and provided options, with pros and cons, for each salary & compression adjustment. In summary, (1) turnover rate in key areas exceeds healthy operational level for the organization; (2) below market salaries negatively impact organization's ability to compete in the marketplace; and (3) implementing new pay structure enhances ability to attract and retain talented employees.

Mr. McDowell then provided Council with the topics for the upcoming budget worksessions.

City Manager Campbell, along with City staff and Shemekka Ebony, responded to various questions/comments from Council, some being, but are not limited to: have the boards & commissions seen any budget presentations; how are we doing on collection of property taxes; does the amount of benefits grow over time; what were the services reductions we used to balance the Fiscal Year 2021 budget and have we restored any of them; what platforms are used to reach out and engage parts of the community that are not engaging; where can people get information about the Equity-Focused Budget Sessions; is there any experience with the Engagement Ambassador Program similar to Durham; can we get a breakdown of how much revenue we receive from residential vs. commercial; can we request from Buncombe County a breakdown in the revaluation by zoning or use, i.e., hospital, lodging, residential, etc.; will parental leave be added as a paid benefit and how does it compare with the benefit offered by the County or other large employers in the County; what are the negative effects of long-term parental leave; suggestion to engage the public in the parental benefit discussion; what is the comparison of voluntary vs. involuntary turnovers; what is the effect of retiring employees in the short-term; what is the definition of parental leave; suggestion to engage our community partners, and Just Economics, in the compensation and benefits issue; what benefits or savings can be gained by no turnovers; request for information on how other cities handle firefighter pay; request for staff to bring back other options for salary and compression options; and does The Archer Company report contemplate growing staff. For those questions staff was unable to answer immediately, City Manager Campbell said that those responses will be provided to Council.

Mayor Manheimer said that the purpose of budget worksessions is to give staff broad budget direction in order for them to craft a recommended budget. It is very difficult for staff to make last minute changes to the budget.

Councilwoman Roney was pleased we are finding new ways for public input on the budget because we always seem to wait until the last minute for the public to be engaged. We have a state of climate emergency, pandemic, crisis of racial inequity and systemic oppression and now is not time for business as usual. She was confident that the community is capable of letting us know what healing looks like.

At 3:02 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday - March 9, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 23, 2021

B. RESOLUTION NO. 21-42 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AUSTIN CONSTRUCTION & GRADING COMPANY FOR THE PEBBLE CREEK STREAM STABILIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Austin Construction & Grading Company in the amount of $295,680 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $59,136 (20%) for a total budget of $354,816 for the Pebble Creek Stream Stabilization Project.

Background:

- An existing gabion basket retaining wall system is failing and is causing erosion along the stream bank in a section of the Dingle Creek watershed in the Pebble Creek Condominium Neighborhood.
- The identified project is inside an existing Stormwater Easement for which the City has maintenance responsibility.
- The existing retaining wall system must be replaced with a more sustainable wall and stream design before there is damage to the adjacent buildings or existing utilities.
- The bid was advertised on January 21, 2021 with a due date of February 11, 2021.
- Eleven contractors attended the non-mandatory pre-bid meeting.
- A formal virtual bid opening was held at 3:00 PM on February 11, 2021.
- Bids were reviewed on February 11, 2021. The following seven (7) bids were received:
    - Austin Construction and Grading Company of Pisgah Forest, NC at $295,680;
    - K&T Construction Company, RLLP of Green Mountain, NC at $378,057.88;
    - B.H. Graning Contracting Inc of Sylva, NC at $381,618;
    - Piedmont Utility Group, Inc of Mooresboro, NC at $429,528.49;
    - RPM Partners, Inc of Kernersville, NC at $448,251;
    - J. Bartholomew Construction, LLC of Hendersonville, NC at $487,110;
    - Baker Grading & Landscaping, Inc of Old Fort, NC at $799,500.
- The lowest, responsive, and responsible bidder was Austin Construction & Grading Company.
- Construction is anticipated to start around the first week of April, weather permitting.
- The project should be completed in approximately five months.

Vendor Outreach Efforts:

- The City's Goal Setting Committee has set an annual aspirational goal for construction projects at 4.6% MWBE participation, in alignment with the City's Business Inclusion Policy.
- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, the City of Asheville website, the City of Asheville Twitter account, and requiring prime contractors to

reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.

- The Stormwater Capital group also reached out to MWBE contractors that were identified through Yoruba Life, NCDOT HUB certified website, and The Color of Asheville directory.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Out of the seven (7) bids received, two (2) bidders self-identified as MWBE business owners; three (3) bidders had incomplete ABI Affidavits where they did not designate if they are MWBE firms or not; and two (2) bidders represented that they would be utilizing MWBE sub-contractors.
- The lowest responsive, responsible bidder does not self-identify as a MWBE firm.
- Although the lowest responsive, responsible bidder is not utilizing a MWBE subcontractor, the Asheville Business Inclusion Office (ABI) reviewed the bid submission and found that adequate documentation of outreach for MWBE subcontractors was provided.
- The two prime contractors that self-identified as MWBE firms were not selected because their bid amounts were significantly higher than the lowest responsive, responsible bidder, and would have put the project over budget.
- One of these two bidders was determined to be non-responsive during review by the ABI Office.

Council Goal(s):

- A Financially Resilient City
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The contract will address severe erosion at the base of the existing gabion wall structures that has resulted in stream bank failure and potential risk to the adjacent condominiums due to their proximity to the stream.
- The new wall system and flow control measures to be installed are more sustainable and will improve conveyance and safety for the surrounding structures.

Con(s):

- Construction may be somewhat disruptive to nearby residences. Efforts will be made to notify the residents and minimize disruptions.

Fiscal Impact:

- Funding for this project is budgeted in the Stormwater Capital Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Austin Construction & Grading Company in the amount of $295,680 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $59,136 (20%) for a total budget of $354,816 for the Pebble Creek Stream Stabilization Project.

RESOLUTION BOOK NO. 42 - PAGE 134

C. RESOLUTION NO. 21-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE AN AMENDMENT TO THE COVID-19

SUPPLEMENTAL TRANSIT OPERATIONS CONTRACT WITH YOUNG TRANSPORTATION AND TO EXTEND THE CONTRACT THROUGH JUNE 30, 2021

Action Requested: Adoption of a resolution authorizing the City Manager to approve an amendment to the COVID-19 Supplemental Transit Operations Contract with Young Transportation to increase the contract by an additional $480,000 raising the contract total to $2,002,000 and to extend the contract through June 30, 2021.

Background:

- Asheville Rides Transit (ART) service continues to be impacted by the COVID-19 event.
- Capacity limitations on buses, in place since March 2020, and occasional driver shortages from COVID-19, have resulted in routes being suspended and/or passengers being left behind.
- During July 2020, the City contracted with Young Transportation Inc. for $962,000 to assist ART by providing supplemental transit operations on the highest ridership routes and by filling in for drivers impacted by COVID-19.
- During October 2020, the City amended the contract with Young to add $560,000 to the contract and extend the term to March 31, 2021.
- During April 2020, $3.668 million in CARES Act funds were allocated to the City to assist with transit operations.
- These funds have been used to fund the contract with Young Transportation, provide additional cleaning and personal protective equipment, provide bus barrier doors, provide a one-time bonus for front-line/on-site ART staff, provide administrative leave for ART staff impacted by COVID-19, and to cover fare loss and the loss of state transit funds (SMAP).
- All of the CARES Act funds have been expended.
- The paratransit budget for the current fiscal year was approved at $1.7 million; however, paratransit service has decreased substantially due to the COVID-19 event so the expected cost for paratransit this fiscal year is estimated to be between $675,000 and $725,000.
- The anticipated savings in the paratransit budget could be used to offset the cost of the current amendment.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Continue providing supplemental transit service through the end of the current fiscal year.
- Able to provide increased passenger capacity.
- Able to "fill-in" when ART drivers are sick.

Con(s):

- None

Fiscal Impact:

- Until this time, the City has used CARES Act funds to fund the Young Transportation contract, however CARES Act funds have been depleted.
- Savings from the paratransit budget are proposed to be used to fund the additional Young Transportation service.

Motion:

- Motion to adopt a resolution authorizing the City Manager to approve an amendment to the COVID-19 Supplemental Transit Operations Contract with Young Transportation to increase the contract by an additional $480,000 to bring the contract total from $1,522,000 to $2,002,000, and to extend the contract through June 30, 2021.

RESOLUTION BOOK NO. 42 - PAGE 135

D. RESOLUTION NO. 21-44 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH IPC PAVING LLC (D/B/A IPC STRUCTURES LLC) FOR THE FRENCH BROAD RIVER GREENWAY WEST PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with IPC Paving, LLC (dba IPC Structures, LLC) in the amount of $3,252,544. for the French Broad River Greenway West construction project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% ($325,254).

Background:

- The French Broad River Greenway West will connect the French Broad River Park to the existing greenway that terminates at the Haywood Road Bridge.
- This will be a 1.02 mile paved greenway extension that further enhances the pedestrian and bicycle infrastructure constructed with the RADTIP project.
- A 2018 Federal Grant will be paying for 80% of the construction costs for this project through the N.C. Department of Transportation.
- The Construction schedule is anticipated to begin April 2021 and end in June 2022.
- Duke Energy Progress, LLC owns the majority of the property that this greenway will be constructed on.
- The City of Asheville holds a lease for the public recreation and greenway purposes.
    - Duke Energy Progress has notified the City that the camping on the path has created a safety hazard in that it does not allow them to access the transmission lines in the event of an outage or a fire at this location.
    - Additionally, the City has concerns over the safety of individuals during the construction of the greenway which is tentatively scheduled to start in April.
    - Asheville Police Department's policy on homeless persons related to encampment procedures provides seven days to vacate the property.
    - For this particular project, we are proposing a 30 day notification period.
- One of the terms of this lease stipulates that the lessee (the City of Asheville) shall be "*solely responsible for maintaining and securing the Leased Premises against the activities of trespassers (such as unauthorized campers)*."
- No less than two weeks prior to starting construction, the City of Asheville and other community resources will work with the existing unauthorized campers to find alternative accommodations to abide with the terms of the property lease and avoid any dangerous conditions with the greenway construction.
- Nine bids were received and formally opened on January 28, 2021.
- The resulting bids (including bid alternate 1-parking improvements at French Broad River Park) are listed below:

Contractor	Location	Amount
o Tennoca Construction	Candler, NC	$ 6,089,292.25
o Baker Grading and Landscaping	Old Fort, NC	$ 5,569,609.00
o TP Smith Construction	Forest City, NC	$ 5,161,455.41
o Dane Construction	Mooresville, NC	$ 4,534,397.60*

o Buchanan and Sons	Whittier, NC	$ 4,167,037.00
o NHM Construction	Asheville, NC	$ 3,739,376.00
o Bryant's Land Development Ind.	Burnsville, NC	$ 3,349,850.40
o IPC Paving, LLC dba IPC Structures	Hendersonville, NC	$ 3,252,544.00
o Penland Contracting Company	Franklin, NC	$ 2,217,796.75*

*improper bid form was used for two bids listed above, which deemed these two bidders non-responsive.

Vendor Outreach Efforts:

- With all Federally funded projects, the Disadvantaged Business Enterprise (DBE) program is required.
- The federally established DBE goal for this project is 5% participation.
- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System.
- IPC Paving's bid includes 5.36% DBE participation.
- This DBE participation is achieved by utilizing JLS Company, LLC from Skyland, NC as a subcontractor.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Federal funding will be covering approximately $2.8M of the expected total $3.5M in construction cost.
- This project will finish a one mile long gap between two older sections of the French Broad River Greenway creating a four mile stretch of continuous greenway along the river through four parks.
- It will also pave the 0.02 mile long dirt trail underneath the Amboy Road Bridge.

Con(s):

- The project construction area will cause a temporary disruption to individuals that are actively using the area.

Fiscal Impact:

- Funding for this project will come from the previously approved existing CIP budget.

Motion:

- Motion to adopt a resolution adoption authorizing the City Manager to enter into a contract with IPC Paving, LLC dba IPC Structures, LLC, in the amount of $3,252,544, for the French Broad River Greenway West construction project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% ($325,254).

RESOLUTION BOOK NO. 42 - PAGE 136

E. ORDINANCE NO. 4857 - BUDGET AMENDMENT TO PROGRAM FUNDING FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR BACKYARD COMPOSTING EDUCATION AND OUTREACH

Action Requested: Adoption of a budget amendment in the City's Special Revenue Fund in the amount of $21,600 to program funding from the N.C. Department of Environmental Quality (NCDEQ) for backyard composting education and outreach in the amount of $18,000, and the City's match of $3,600 from the Sanitation Division ($1,800) and Office of Sustainability ($1,800).

Background:

- On October 27, 2020, City Council adopted Resolution No. 20-188 authorizing the City Manager to apply for and accept, if awarded, grant funding from NCDEQ to provide outreach and education to increase backyard and community-based composting.
- NCDEQ selected the City of Asheville proposal for funding for Fiscal Year 2021.
- The Backyard Composting Grant grant award is for $18,000 and requires a 20% match. The match of $3,600 will be split evenly between the Office of Sustainability and the Public Works Sanitation Division.
- This budget amendment will move the matching funds from each department to a project budget along with the grant funds.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Helps support the City's waste reduction goal while leveraging state funding.

Con(s):

- None

Fiscal Impact:

- A cash match of $3,600, or 20% of the requested grant funds of $18,000, will be provided from the Sanitation Division ($1,800) and the Office of Sustainability ($1,800).
- This budget amendment moves the matching funds and grant funds into a Special Revenue Fund budget.

Motion:

- Move to adopt a budget amendment in the City's Special Revenue Fund in the amount of $21,600 to program funding from the N.C. Department of Environmental Quality for composting outreach and education in the amount of $18,000, and the City's match of $3,600 from the Sanitation Division ($1,800) and Office of Sustainability ($1,800).

ORDINANCE BOOK NO. 33 - PAGE 244

F. MOTION TO REVISE THE FISCAL YEAR 2020-21 BUDGET CALENDAR

Background:

- At its January 12, 2021, meeting, City Council adopted the Fiscal Year 2021-2022 (FY22) Budget Calendar.
- Since adoption of that calendar, City Council's meeting schedule has been revised to move the Council Retreat from February to either late March or early April.
- In order to allow for time to incorporate input from the Council Retreat into the budget process prior to submission of the City Manager's Proposed Budget, staff is recommending changes to the calendar.
- Changes to highlight include:

- Formal presentation of the City Manager's Proposed Budget moved from May 11, 2021 to May 25, 2021.
- The Public Hearing on the Proposed Budget moved from May 25, 2021 to June 8, 2021.
- Budget adoption moved from June 8, 2021 to June 22, 2021.

Council Goal(s):
- A Financially Resilient City
- A Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Provides City Council, staff, and the community with a revised calendar of upcoming dates related to development of the FY22 budget.

Con(s):
- None.

Fiscal Impact:
- None.

Motion:
- Motion to adopt the revised Fiscal Year 2021-2022 Budget Calendar

G. RESOLUTION NO. 21-45 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH COOPER CONSTRUCTION COMPANY, INC. FOR THE 2020-21 PRESSURE REDUCING VALVE REPLACEMENT PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute an agreement with Cooper Construction Company, Inc. in the amount of $124,625 to demolish and replace the existing pressure reducing valve (PRV) stations with new installations for the Upper and Middle Sondley sites, plus a contingency of 15% ($18,693.75) for a total project budget of $143,318.75.

Background:
- The current pressure reducing valve (PRV) located near Windy Gap Road in the upper region of Haw Creek Valley was installed in 1990.
- The current water pressure entering the PRV is approximately 265 psi at any given time.
- The pressure is extremely high due to the elevation difference from the Peach Knob storage tank to the PRV.
- The PRV reduces the pressure to approximately 70 psi as it flows down into Haw Creek Valley.
- Due to the age and condition of the current application, it has reached the end of its life cycle.
- Water Resources staff is observing an upward trend of pressure leaving the PRV which means the current valve is slowly failing.
- The existing installations have fulfilled their useful life.
- Given the condition of the equipment and the design and installation constraints of these sites, the PRVs are unsafe and present a hazard to City infrastructure, City staff, and private property due to impending failure.

- In the event the Upper PRV fails completely, there are approximately five miles of infrastructure and 47 houses that would be compromised with pressure that would be too great to sustain.
- In 2019, Water Resources Department staff began working in collaboration with the engineering firm Cavanaugh and Associates to develop a plan to implement a new application at the previously mentioned sites. The outcome of this plan was the recommendation of a full replacement of the PRV. The recommended mechanism for installation was utilization of a third-party contract installer, procured through a formal bid process.
- The contract duration is scheduled to last no longer than 150 consecutive calendar days.

Formal Bid Process:

- Staff performed outreach to minority-and women-owned businesses through the solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No Minority & Women-Owned Business Enterprise (MWBE) firms submitted bids.
- Three firms submitted bids for this project:
    - TP Howard, Fairview, NC - $240,000
    - Carolina Specialties, Hendersonville, NC - $206,724
    - Cooper Construction Company, Flat Rock, NC - $124,625
- Cooper Construction Company was deemed the lowest responsive responsible bidder.
- The RFP was released prior to the January 1, 2021 Business Inclusion Policy effective date.
- The bid was deemed responsive by acceptable minority business outreach efforts in place at that time.

Council Goal(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

Committee(s):

- None

Pro(s):

- Safeguards City infrastructure along with 47 private homes from impending damage and liability.
- Sustains the integrity and reliability of the water system.
- Progresses the City toward updating its aging infrastructure, which will ultimately result in higher confidence by customers and stakeholders.

Con(s):

- None

Fiscal Impact:

- The funding needed for the contractual agreement is currently allocated within the Water Resources Capital Improvement Project Fund in the Meter/Vault Repair budget line item.

Motion:

- Move to adopt a resclution authorizing the City Manager to execute an agreement with Cooper Construction Company, Inc. in the amount of $124,625 to demolish and replace the existing pressure reducing valve (PRV) stations with new installations for Upper and

Middle Sondley locations, plus a contingency of 15% ($18,693.75) for a total project budget of $143,318.75.

RESOLUTION BOOK NO. 42 - PAGE 137

Mayor Manheimer announced that there was one advanced live call-ins for the Consent Agenda; however, that person did not join into the meeting.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Smith moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. UPDATE FROM THE ECONOMIC DEVELOPMENT COALITION FOR ASHEVILLE-BUNCOMBE COUNTY

Clark Duncan, Executive Director & Senior Vice President of the Economic Development Coalition for Asheville-Buncombe County, shared updates on strategy and outcomes of their Economic Development Coalition partnership with the City.

Mr. Duncan responded to various questions/comments from Council, some being, but are not limited to: threshold requirements and barriers for any kind of employer to qualify for incentives through the Economic Development Coalition; would a non-discrimination ordinance have a welcoming impact for job creation; and when recruiting companies, are housing costs an issue.

B. MANAGER'S REPORT

Employee Recognitions

City Manager Campbell (1) recognized Anthony "Buzz" Brown, a Water Department employee who was driving by and noticed a man on the bridge (possible suicide) and stopped to help. Anthony got the man away from the bridge and to the back of his car and was talking to him before the Asheville Police Department (APD) arrived on the scene. The APD was able to take the man to the hospital to provide medical support services; (2) recognized APD officers responded to a gun discharge off Sand Hill Road. The APD Crisis Negotiation Team attempted contact with the man for almost 7 hours and once contact was made, the man came out of the house by himself. No one was injured during the incident; and (3) welcomed back Engine 11 Crew after their accident in January.

Equity and Inclusion Assessment

City Manager Campbell updated City Council on the Equity & Inclusion Assessment. She explained (1) a great deal of equity and inclusion work across departments; (2) equity and inclusion goal-setting has been a collaborative effort that has included all City departments - Equity Core Teams; (3) the City has tools that are effective in incorporating equity into decision-making; and (4) continue building capacity through training and practice.

She introduced the City's Internal Auditor Patricia Rosenberg who (1) reviewed the equity assessment process and background; (2) reviewed the internal assessment on progress of equity

and inclusion initiatives - inform internal and external stakeholders; and (3) identified areas for improvement and gave recommendations for next steps.

Ms. Rosenberg provided several equity action plan highlights (1) workforce equity improved; eliminate racial disparities in hiring and promotions; improve retention rates; (2) contracting and procurement equity improved; increase the <$30,000 contracting threshold opportunity for Black-owned businesses; (3) knowledge and tools used by City staff and Council to advance racial equity increases; capacity and infrastructure in place to implement Racial Equity Action Plan; (4) equitable and inclusive outreach and public engagement are improved; (5) existing services are systematically reviewed and improved using racial equity best practices criteria; and (6) race-based disparities in our community are decreased.

Recommendations include (1) develop an updated Equity Action Plan; (2) formally incorporate equity and inclusion in the entire budget process; (3) conduct centralized, collaborative community outreach; (4) build equity work into employee job responsibilities; and (5) include equity and inclusion in all departments' work plans.

City Manager Campbell said that a lot of work has been going on regarding equity and inclusion. She thanked several former and current staff members of the Office of Equity & Inclusion who have brought us to this point. We do have a long way to go, but we have made progress.

In response to Councilwoman Roney, City Manager Campbell explained the ways that she has worked with and supported the staff from the Office of Equity & Inclusion.

Councilwoman Roney asked that at the retreat two items be discussed (1) include equity and sustainability impacts in our staff reports; and (2) change our Charter to have the Office of Equity & Inclusion report directly to City Council.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES V, VIII, XI & XII RELATED TO DISCRETIONARY DECISIONS IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

Principal Planner Shannon Tuch said that this is the consideration of an amendment to the Unified Development Ordinance Articles V, VIII, XI & XII related to discretionary decisions in order to bring the City's development code into alignment with recent state legislation. This public hearing was advertised on February 26 and March 5, 2021.

Background:

- 160D refers to a new chapter in the North Carolina General Statutes (NCGS) that reorganizes the land use regulatory laws of the State and came into effect through Session Law 2019-111 "AN ACT TO CLARIFY, CONSOLIDATE, AND REORGANIZE THE LAND-USE REGULATORY LAWS OF THE STATE.", adopted July 11, 2019.
- The purpose of 160D is to clarify and reorganize the land use regulatory laws of the State and is the first major recodification and modernization of city and county development regulations since 1905.
- The new 160D also consolidates these laws into one chapter in order to provide a uniform set of statutes applicable to both cities and counties (formerly found in Chapter 160A for cities and Chapter 153 for counties).
- Per Session Law 2020-25, local governments are required to enact zoning text amendments that align with 160D by July 1, 2021.

- 160D is comprehensive; therefore, City staff are addressing these revisions in sections, expecting to complete all necessary revisions by the deadline.
- This zoning text amendment is the third in a series of amendments and seeks to align the City's UDO (Chapter 7) with 160D by removing the authority for staff to make discretionary decisions.
- This is achieved by either 1) removing the authority where it is not necessary; or, 2) adding objective criteria for certain decisions.
- **Summary of changes:** The majority of changes eliminate the language that authorizes a staff person to make exceptions or modifications to development standards.
- There are a few instances where objective criteria have been updated and/or added to provide flexibility under certain circumstances.
- These instances include:
    - Sidewalk and open space fees-in-lieu (objectively identifying under what conditions a fee may be paid in lieu of constructing the sidewalk or providing open space)
    - Setback and parking flexibility (allowing for minor reductions where commonly encountered constraints warrant)
    - Table of permitted uses (establishing criterion on how to classify a land use not included in the existing table)

Comprehensive Plan Consistency:

- This proposal best aligns with the Living Asheville Comprehensive Plan theme of *Responsible Regionalism* that seeks to "improve Regional Collaboration, Coordination and Communication" by aligning the City's development code with state statutes. (p. 288)

Council Goal(s):

- A Well-Planned & Livable Community

Committee(s):

- The Planning & Zoning Commission reviewed this proposed amendment at their February 3, 2021 (public hearing) and February 5, 2021 (vote) meetings and voted unanimously (6:0) to approve the amendment.

Pro(s):

- Proposed changes will align the City's development standards, practices and procedures with newly enacted NCGS Chapter 160D.
- Clarifies practices and procedures for the development community and provides objective criteria where additional flexibility can be considered in the UDO.
- Reduces likelihood a legal challenge based on discretionary or subjective decisions.

Con(s):

- None.

Fiscal Impact:

- None; however, the fees and charges manual for FY 2020/21 will be amended as part of the budget process to establish a fee-in-lieu option for sidewalk and related infrastructure construction.

In response to Councilwoman Wisler, if we encounter any conflicts with 160D, we will identify them and remove them at a later date. If we find something has been omitted for change by July 1, 2021, then state law controls.

Mayor Manheimer opened the public hearing at 6:23 p.m.

Mayor Manheimer announced that there was one advanced live call-ins for this item; however, that person did not join into the meeting.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing to amend the Unified Development Ordinance Articles V, VIII, XI & XII related to discretionary decisions, in order to bring the City's development code into alignment with recent state legislation, will be accepted for an additional 24 hours. Therefore, Councilwoman Kilgore moved to recess this item until March 23, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

B. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

Streets Division Manager Chad Bandy said that this is a public hearing to consider permanently closing a portion of an unopened right-of-way known as Trade Street. This public hearing was advertised on February 12, 19, 26 and March 5.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Meinch Construction, Inc. has petitioned to close this right-of-way. They are the owners of 99999 Trade St, PIN # 9638-98-2756. Joining this petition are Butler and Celeste Wiltse. They are the owners of 28 Trade St., PIN # 9638-98-3860.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.
- This closure allows for the development of 99999 Trade St by providing more room for construction by adjusting the property lines.
- The right-of-way is needed to provide the required screening in the back of the property for 4 residential units that will front on Roberts Street.
- A resolution to set this public hearing was adopted on December 8, 2020, and signs were placed at two locations along Trade Street.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: Supported closing the right-of-way by unanimous vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 6:26 p.m.

Mayor Manheimer announced that there was one advanced live call-ins for this item; however, that person did not join into the meeting.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Roney moved to recess this item until March 23, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

C. PUBLIC HEARING TO CONSIDER ADOPTING THE INITIAL RESOLUTION FOR THE 2021 LIMITED OBLIGATION REFUNDING BONDS

Interim Finance Director Tony McDowell said that this is the consideration of a public hearing to consider adopting the initial resolution for the 2021 Limited Obligation Refunding Bonds. This public hearing was advertised on February 26, 2021.

Background:

- In May, 2018, Council authorized the issuance of a Limited Obligation Bond Anticipation Note in an amount not to exceed $48 million.
- Since that time, the City has drawn down $34.9 million on the loan.
- In order to refund the principal, the City intends to issue long-term, fixed-rate LOBS & SOBS Refunding Bonds in late April 2021.
- Projects funded with this debt issuance include TIGER VI construction in the River Arts District, Charlotte Street improvements, and the replacement of lighting at various parks facilities.
- The issuance of the LOBS Refunding Bonds requires a public hearing.

Council Goal:

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Converts Limited Obligation short-term variable-rate debt to Limited Obligation and Special Obligation long-term, fixed-rate refunding bonds.
- Spreads capital costs over a longer term to better match assets' lives.

Con(s):

- None

Fiscal Impact:

- Annual debt service payments will increase because long-term fixed rates are higher than short-term variable rate debt. This increase is included in the City's long-range financial model for issuing and paying-off debt. The final amounts of the new debt service payments will be determined on the bond sale date.

Mayor Manheimer opened the public hearing at 6:30 p.m.

Mayor Manheimer announced that there was one advanced live call-ins for this item; however, that person did not join into the meeting.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Wisler moved to recess this item until March 23, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 21-46 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY CONNECTING EAST OF BELLEVUE ROAD AND WEST OF EDGEWOOD ROAD

Mayor Manheimer said that this public hearing was held on February 23, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Kilgore moved to permanently close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 138

B. RESOLUTION NO. 21-47 - RESOLUTION TO PERMANENTLY CLOSE AN OPENED RIGHT-OF-WAY CONNECTING TO BILTMORE AVENUE, DIRECTLY SOUTH OF WHITE FAWN DRIVE

Mayor Manheimer said that this public hearing was held on February 23, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Wisler moved to adopt a resolution permanently closing an unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 140

C. ORDINANCE NO. 4858 - ORDINANCE TO VOLUNTARILY ANNEX .47 ACRES OFF OF OAK HILL CIRCLE AND MOORECREST ROAD

Mayor Manheimer said that this public hearing was held on February 23, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Turner moved to adopt the ordinance approving the voluntary annexation of 0.47 acres located off of Moorecrest Rd. and Oakhill Circle. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 - PAGE 245

D. ORDINANCE NO. 4859 - ORDINANCE TO INITIALLY ZONE .47 ACRES OFF OF OAK HILL CIRCLE AND MOORECREST ROAD TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT

Mayor Manheimer said that this public hearing was held on February 23, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Turner moved to approve the initial zoning request to Residential Multi-family, High Density (RM-16) and Future Land Use map designation of Traditional Neighborhood, and find that the request is reasonable, is in the public interest and is consistent with the City's comprehensive plan and other adopted plans in the following ways: the initial zoning will, 1) support orderly growth and development by assigning a zoning and land use designation that are consistent with the balance of the property already located in the City; 2) allow opportunity for higher density residential infill development, and, 3) support the development of housing in a locationally efficient area. This motion was seconded by Councilwoman Kilgore and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no".

ORDINANCE BOOK NO. 33 - PAGE 247

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-48 - RESOLUTION REQUESTING THAT THE CITY OF ASHEVILLE'S LOCAL DELEGATION TO THE N.C. GENERAL ASSEMBLY PURSUE A MODIFICATION TO THE LOCAL ACTS SETTING FORTH THE SELECTION PROCESS FOR CITY OF ASHEVILLE SCHOOL BOARD MEMBERS (HYBRID MODEL)

RESOLUTION NO. 21-49 - RESOLUTION REQUESTING THAT THE CITY OF ASHEVILLE'S LOCAL DELEGATION TO THE N.C. GENERAL ASSEMBLY PURSUE A MODIFICATION TO THE LOCAL ACTS SETTING FORTH THE SELECTION PROCESS FOR CITY OF ASHEVILLE SCHOOL BOARD MEMBERS (FULLY ELECTED)

Mayor Manheimer said that City Council recently unanimously adopted a legislative agenda. What was not on that agenda was the selection process for the School Board members because it was uncertain whether Council supported moving forward with an elected School Board. She noted there are only two school boards in the State of North Carolina, including

Asheville's, whose members are appointed by the governing board. Since a change in the selection process requires a State legislative change, our actions today are just to indicate our support for or against an elected school board. From a timing standpoint, the earliest we could expect action would be the 2022 election cycle. She asked the City Attorney to draft two options - one of which is a hybrid model which would move us to an elected and appointed School Board. The other is a fully elected School Board. She asked that Council vote on both options simply because we are not sure the hybrid model is legally allowed; and if it is not allowed, we need to give the legislative delegations some options.

In response to Councilwoman Kilgore, City Attorney Branham said that all the other elected school boards in the state were either established as an elected school board from the beginning or were moved to that mode by State legislation.

In response to Vice-Mayor Smith, City Attorney Branham updated Council on the possibility of a hybrid model. He said there currently is no other model existing in the state using a hybrid model; however, there is some limited precedent. When you go back to the late 1970's, the City of Whiteville, which is fairly small, actually had a school board which had some appointed members - oddly enough appointed by the General Assembly and not by the local government. But they also had elected members as well. So, there is some precedent in this. There is no specific authority granted in the State statutes. What we do know is there is no prohibition against having a hybrid model. He believed there is a good chance, given the precedent and the lack of prohibition against doing it, that a hybrid is a viable model.

Vice-Mayor Smith favored a hybrid model for a seven member board, four of the members to be elected by the residents of the Asheville City Schools District and three members still being appointed by City Council, with the chair to be selected by the entire board.

City Attorney Branham responded to Vice-Mayor Smith when she asked about the election methodology.

In response to Councilwoman Roney, City Attorney Branham said that the membership of the School Board does not hinge on our population.

Vice-Mayor Smith moved to ask our local delegation to consider increasing the membership of the Asheville School Board to seven, and to amend the selection process for membership to allow for four of the Asheville School Board's members to be elected by residents of the Asheville City Schools District and three members appointed by the Asheville City Council, with the chair to be selected by the entire board. This motion was seconded by Councilwoman Roney.

Mayor Manheimer noted that the Asheville City Schools District has 40,000 people vs. the City of Asheville population which is approximately 93,000.

From advanced live call-ins, 5 individuals spoke in support of the fully elected School Board, 8 individuals spoke in support of either a hybrid model or a fully elected School Board, and 3 individuals spoke to Council in support of a hybrid selection process.

Jonathan Wainscott asked Council to wait due to the possibility that minority representation would be harmed.

Councilwoman Mosley felt it was a possibility that the legislature could incorporate the city school system into the county school system.

Councilwoman Roney said there are neighbors who are still concerned about having an elected school board, and she has those same concerns about ensuring equitable representation at the table. There have been so many times where Asheville has had an opportunity to lead and this is one of them. If a hybrid board means that other cities in the State of North Carolina might have the opportunity to address equity at their tables as well, she is hopeful we can build that coalition across the state.

Councilman Mosley was concerned that by going to the legislature on this, we might be opening Pandora's Box and potentially going as far away from equity as imaginable. If we are incorporated into the County School System is that a more equitable outcome or our voices decreasing?

Councilwoman Roney said that if we don't increase accountability at the polls so that voters can have a say, then they feel that the only request they have left is to ask the state directly. She was concerned that that would open up the Pandora's Box.

Mayor Manheimer supported a fully elected School Board. She had doubts about a hybrid model. She was not convinced that a hybrid model will not be effective and she also is concerned that it is so very difficult for us to get legislation in the first place and it will be difficult to go back and try to change this.

The motion made by Vice-Mayor Smith and seconded by Councilwoman Roney (hybrid model) carried on a 5-2 roll call vote, with Mayor Manheimer and Councilwoman Roney voting "no."

RESOLUTION BOOK NO. 42 - PAGE 141 (HYBRID MODEL)

Councilwoman Kilgore moved to ask our local delegation to amend the selection process for membership on the Asheville School Board to allow for all members of the Asheville School Board to be elected by residents of the Asheville City Schools District. This motion was seconded by Councilwoman Turner.

Councilwoman Wisler would support the fully elected School Board, but her preference would be the hybrid model.

Councilwoman Roney stated that she strongly prefers the hybrid model, but she will support a fully elected Board.

Vice-Mayor Smith said that she would not support a fully elected Board. She felt we are moving from one extreme to the other extreme.

The motion made by Councilwoman Kilgore and seconded by Councilwoman Turner (fully elected School Board) carried on a 5-2 roll call vote, with Vice-Mayor Smith and Councilwoman Mosley voting "no."

RESOLUTION BOOK NO. 42 - PAGE 142 (FULLY ELECTED MODEL)

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 19 individuals spoke to Council, including, but not limited to the following comments: opposition to the Bluff's development at Richmond Hill and request City Attorney to represent City residents who are opposed to this development; urged Council to support the Asheville City Association of Educators recommendations for the School

Board and not reappoint the existing members; defund the Asheville Police Department; and background on Floyd McKissick Sr..

Councilwoman Roney was familiar with the roads around Richmond Hill and its lack of infrastructure in that neighborhood. She has read and responded to more than 400 emails from the Richmond Hill neighbors regarding the Bluff's development and watched the almost 6 hour meeting of the Woodfin Planning & Zoning on March 1. She acknowledged that the development is outside the City limits; however, her concern is the proposed height and therefore scope of the development will have a significant and detrimental impact on adjoining City-owned property, including impact on the watershed of the French Broad River, our Richmond Hill Park facilities, and our already lacking multimodal infrastructure in the area, as well as impact on sustainability, affordability and quality of life in the immediate and the adjacent neighbors. We need our residents to partner through support in defense of construction of affordable housing on transit corridors that can handle the volume of traffic. This is not it. She said we need to seek legal standing to ensure the bridge is built before the next step of development can take place. We have a responsibility to our residents, taxpayers and neighbors who rely on us for representation and we have time before the next meeting of the Woodfin Planning & Zoning meeting.

Closed Session

At 9:02 p.m., Councilwoman Roney moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); (2) to establish, or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The statutory authorization is contained in N. C. Gen. Stat. sec. 143-318.11 (a) (5); and (3) To consider the qualifications, competence, performance, character, fitness, conditions of employment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(6). This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

At 9:55 p.m., Councilwoman Wisler moved to come out of closed session. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:55 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – March 23, 2021 - 2:30 p.m.

Budget Worksession

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

City Manager Campbell said this budget worksession will be a review of the budget process; fees and Enterprise Funds overview (water rate realignment); and information on the American Rescue Plan.

Key takeaways from the worksession will be (1) pandemic has adversely impacted the Enterprise Funds operations and revenues; (2) assessing fees for customer impact (cost and service); (3) water fee realignment needed to fund system maintenance; and (4) American Rescue Plan can help to address, but planning will be critical.

Interim Finance Director Tony McDowell provided a brief review of the March 9 worksession (1) current year (Fiscal Year 2021) status: improving outlook, but uncertainty continues; (2) next year (Fiscal Year 2022) budget process: reviewing current services with equity lens both internally and externally; and (3) revaluation and employee compensation were highlighted as key opportunities and challenges for the upcoming budget year. He then outlined the Round One and Round Two external equity-focused budget sessions.

Regarding why we charge fees for services, (1) customer vs. community benefit; (2) ensure access; and (3) statutory requirements. Factors in setting fees and charges include (1) cost to provide service; (2) who benefits from service; and (3) fee studies. He used charts to demonstrate the General Fund Revenues (Fiscal Year 2020-21 budget is $134,763,570) and the Enterprise Fund Revenues (Fiscal Year 2020-21 Enterprise Fund budgets total $64,401,149). Significant General Fund fee revenues include (1) Solid Waste - $5.0 Million; (2) Development Services Department, Planning & Fire Department fees - $3.8 Million; and (3) Parks & Recreation - $1.5 Million).

He explained that fees fully support service in Water Resources - $33.2 Million; Stormwater $6.6 Million; Parking - $6.6 Million; and Street Cut - $1.9 Million. Fees help fund, but substantial amount is needed from other sources to support the service - Transit - $12.3 Million (supported by federal grants, General Fund and Parking Fund); and Harrah's Cherokee Center Asheville - $3.8 Million (supported by General Fund). He then highlighted the reasons why each Enterprise Fund needed support from other sources.

In summary, the COVID financial impact summary for Enterprise Funds include (1) Harrah's Center operating revenue down $2.0 Million through the first 8 months of this fiscal year; (2) parking revenue down approximately $2.2 Million through the first 8 months of this fiscal year; (3) transit farebox revenue loss estimated at $700,000 since the pandemic began; (4) additional expenses of $2.0 Million in transit for supplemental service by June 30; and (5) reviewing grant opportunities (including American Rescue Plan) to make up lost revenues.

Mr. McDowell said the Water Resources Fund is the largest Enterprise Fund. It has substantial capital and operating costs, with a consultant developed rate model.

Regarding the Water Resources Capital Fee, in 2018, the N.C. Supreme Court determined that cities were not permitted to charge water and sewer" impact fees." Thereafter, law firms began filing lawsuits against cities in North Carolina that had charged these fees in recent years. Asheville was named in two class action lawsuits based upon its capital fees for water service. These lawsuits were settled without any admission of liability by the City, and the settlement included an agreement to discontinue the capital fee. The lost capital fee revenue totaled $7.5 Million in Fiscal Year 2021. Staff has been working with financial and rate consultants to develop a plan to begin recovering capital revenue.

Mr. Douglas Carter, President and Managing Director of DEC Associates, reviewed the City's plan on financial planning and water rate setting - retaining fair rates and sound finances. In summary, (1) Asheville Water System rate realignment recommendations due to external decisions are sound; (2) rate realignment retains fairness and comparability to peer utilities; (3) estimated future revenues would permit system expansion and adequacy of revenues; and (4) DEC believes that the rate changes will create sound ability to manage to system needs for the five-year forecast period and provide sound informational points to rating analyst as they evaluate the system and the new user fees.

Mr. McDowell reviewed a charge of the residential user impact and rate recovery. Regarding the Water Resources rate realignment, it (1) meets legal requirements; (2) eases into revenue recovery over time to lessen the burden on customers; and (3) provides sufficient resources to meet operating and capital needs and meet rating agency debt coverage ratios.

A brief American Rescue Plan overview includes (1) awaiting guidance from the U.S. Dept. of the Treasury; (2) $26 Million direct allocation to City of Asheville; (3) provided in two payments (a) first half - 60 days from when signed into law; and (b) second half - one year later; and (4) December 31, 2024, is current deadline to spend.

He reviewed the key takeaways again, the upcoming City Council dates, and the dates for the external equity-focused budget sessions.

City Manager Campbell, along with other City staff, responded to various questions/ comments from Council, some being, but are not limited to: how much does the Transit Enterprise Fund receive from the General Fund; another way to look at the $700 loss in fare box revenue is that those funds are being spent somewhere else in our community; do we have any idea when it might be safe for more riders to be on the buses; how many trips of Young buses have been required in south Asheville; regarding liquidated damages, have we been paying for bus routes that have not run; request for report on how many bus route trips have been missed; request to ask either Buncombe County or the Town of Black Mountain to fund the bus route to Black Mountain or discontinue that service; request for numbers on suspended late night service to north Asheville (UNC-Asheville); explanation of new rate structure which is based on industry standards for residential vs. commercial rates; why not go for full cost recovery next year for water fees; what type of users do we have for water; what percentage does the average residential customer pay per gallon vs. a laundry service at a hotel; who sets wholesale or commercial water rates; and request for the Finance Committee to receive a history on what our water rates look like over a 10-year period and compare that to the rate increases by MSD. For those questions that cannot be readily answered, those responses will be provided to Council.

At 3:47 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday - March 23, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Councilwoman Roney, Consent Agenda "I" was removed from the Consent Agenda for discussion and/or individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 9, 2021

B. RESOLUTION NO. 21-50 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH BLANCHARD, MILLER, LEWIS & ISLEY, P.A., FOR GOVERNMENT RELATION SERVICES

Action Requested: Approval of a resolution authorizing the City Attorney to enter into a contract for one year with Blanchard, Miller, Lewis, and Isley, P.A. in the annual amount of $72,000.00 for government relation services, and the option to extend this contract for two additional one-year terms at the same annual rate.

Background:
- Approval of this contract will allow the City's Lobbyist to continue his legislative services.
- The previous contract was also for $72,000 annually, and the renewal will continue at this same annual rate.
- The City has the option to renew the contract annually for up to two years.

Council Goal(s):
- Connected and engaged community

Committee(s):
- None

Pro(s):
- Will allow for continued legislative services in the North Carolina General Assembly.

Con(s):
- None

Fiscal Impact:

- The City of Asheville will pay $72,000 annually to renew the government relations contract, and have the option to extend this agreement for up to two additional one year terms at the same annual rate.
- Funding for the contract is included in the General Fund budget.

Motion:

- Move to adopt a resolution authorizing the City Attorney to renew the government relations contract with Blanchard, Miller, Lewis, and Isley, P.A., for a one year term at a total cost of $72,000, and to authorize the option to extend the contract for up to two additional one year terms at the same annual rate.

RESOLUTION BOOK NO. 42 - PAGE 143

C. RESOLUTION NO. 21-51 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HYATT PIPELINE LLC FOR THE WATER SYSTEM NEIGHBORHOOD ENHANCEMENT PROJECT AREA 6

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction agreement with Hyatt Pipeline, LLC for the Water System Neighborhood Enhancement Project Area 6.

Background:

- On January 27, 2021, the Water Resources Department (WRD) issued an Advertisement for Bids for the Water System Neighborhood Enhancement Project Area 6.
- The scope of work for this project includes the installation of approximately 5,100 Linear Feet of 8-inch and 6,700 Linear Feet of 6-inch waterline and appurtenances along Livingston Street & Depot Street; Old Shoals Road Extension; Monte Vista Place; Downing Street; Frederick Street; Britt Drive; Hilltopia Road; Plateau Road; and Pine Tree Drive.
- This proposed project has been determined to be a critical installation that will increase the water system's reliability by replacing undersized and older waterlines that have high failure rates and also by providing improved water pressure and flow characteristics for domestic service and fire fighting capabilities.
- In response to the Advertisement for Bids, the WRD received the following seven (7) bids on February 25, 2021:
    1. Hyatt Pipeline, LLC: Canton, NC - Bid: $2,038,917.55
    2. Appalachian Sitework, Inc: Waynesville, NC - Bid: $2,071,865.23
    3. T.P. Howard Plumbing Company, Inc: Fairview, NC - Bid: $2,191,000.00
    4. Cooper Construction Company, Inc: Hendersonville, NC - Bid: 2,311,138.00
    5. Huntley Construction Company: Asheville, NC - Bid: $2,325,000.00
    6. Buckeye Bridge, LLC: Canton, NC - Bid: $2,464,805.50
    7. Carolina Specialties Construction, LLC: Hendersonville, NC - Bid: $2,700,190.05
- Following city staff's review of the bids, Hyatt Pipeline, LLC, was selected as the lowest responsible, responsive bidder.
- The WRD requests authorization to contract with Hyatt Pipeline, LLC. for the bid amount of $2,038,917.55 plus a 10% contingency in the amount of $203,891.75 for a total project budget in the amount of $2,242,809.31.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through the solicitation processes which include posting on the State's Interactive Purchasing System

and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No MWBE firms submitted bids as the prime contractor.
- The advertisement and bidding process adhered to the current Asheville Business Inclusion (ABI) policy.
- Staff coordinated the advertisement and bid with the ABI office to ensure compliance with the policy.

Council Goal(s):
- A Financially Resilient City and a Clean and Healthy Environment.

Committee(s):
- Not Applicable.

Pro(s):
- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

Con(s):
- None.

Fiscal Impact:
- Funds needed for this construction agreement are already budgeted in the "Small Waterline Replacement Projects" within the Water Resources Capital Improvement Fund.

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a construction agreement with Hyatt Pipeline, LLC, for the Water System Neighborhood Enhancement Project Area 6.

RESOLUTION BOOK NO. 42 - PAGE 144

D. RESOLUTION NO. 21-52 - RESOLUTION CHANGING THE NAME OF THE FRENCH BROAD RIVER EAST BANK GREENWAY TO THE WILMA DYKEMAN GREENWAY

Action Requested: Adoption of a resolution changing the name of the French Broad River East Bank Greenway to the Wilma Dykeman Greenway.

Background:
- The 3.5 mile greenway corridor is located on the east bank of the French Broad River between Broadway Street and Amboy Road.
- Nearly two-thirds of the corridor was recently completed with the RADTIP project and the remaining third will be designed during FY 2020-21.
- The City's Greenway Master Plan refers to the greenway as the French Broad River East Bank Greenway.
- Wilma Dykeman, born and raised in Asheville, was an author and environmental steward of the French Broad River.
- She highlighted pollution in the French Broad River in her 1955 book *The French Broad*, which won the first Thomas Wolfe Memorial Literary Prize.
- The City's existing comprehensive riverfront plan is named after Wilma Dykeman.

- The proposed name change is intended to recognize Dykeman's contributions, but will also aid in distinguishing the east and west-side greenways along the French Broad River.
- RiverLink assisted the City with public engagement by releasing a survey seeking input on the proposed name change and it indicated broad support of the name change.

Council Goal(s):
- Well Planned and Liveable Community

Committee(s):
- Greenway Committee - January 7, 2021 - recommend approval
- Multimodal Transportation Commission - February 24, 2021 - recommend approval

Pro(s):
- Honors Wilma Dykeman for her legacy of environmental stewardship of the French Broad River.
- Eliminates confusion of the greenways located on each side of the river.

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Adopt a resolution changing the name of the French Broad River East Bank Greenway to the Wilma Dykeman Greenway.

RESOLUTION BOOK NO. 42 - PAGE 145

E. RESOLUTION NO. 21-53 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR BOND COUNSEL CONTRACT WITH PARKER POE ADAMS & BERNSTEIN LLP TO FACILITATE THE ISSUANCE AND MANAGEMENT OF DEBT

Action Requested: Adoption of a resolution approving contract for bond counsel

Background:
- The City of Asheville requires the legal services of bond counsel to review, prepare, and assist the City in matters related to bond issuance. These services include:
  - participation in meetings with City staff and, to the extent deemed necessary by the City staff, with the City Council;
  - preparation of the amendments and supplements to the Indenture, Installment Financing Contract and the Deed of Trust, as necessary, under which the Bonds will be issued and various resolutions and notices, relating to the authorization, execution and delivery of the Bonds;
  - preparation of all other papers required as a condition precedent to the execution and delivery of the Bonds;
  - assistance to the City with respect to matters before the Local Government Commission;
  - participation with the underwriter and its counsel in the review of the documents for the sale of the Bonds;

  - preparation of necessary resolutions and documentation for approval by the Asheville Public Financing Corporation ("APFC") and participation with counsel to the APFC related to the closing for the Bonds;
  - and delivery of an opinion as to the validity of the Bonds and the federal and state tax treatment of the interest on the Bonds, subject to usual and customary exceptions.
- Parker Poe has a long-standing client relationship with the City, providing necessary bond counsel services to the City of Asheville with satisfactory results.
- Per State statute and City policy, this type of contract is exempt from competitive bidding.
- North Carolina law prohibits the City Attorney, or any assistant city attorney from performing this function, therefore external counsel is required.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Contracting with this firm provides necessary outside expertise that enhances the City's financial management; and
- Statute requires outside bond counsel when issuing debt.

Con(s):
- None.

Fiscal Impact:
- This not-to-exceed $500,000, multi-year contract, will be funded each year as needed, based on the services to be rendered to each department. Funding for this contract is included as part of the Capital Improvement Program (CIP)/Debt program.

Motion:
- Motion authorizing the City Manager to enter into a not-to-exceed contract in the amount of $500,000 with Parker Poe Adams & Bernstein, LLP to provide bond counsel services for the City of Asheville.

RESOLUTION BOOK NO. 42 - PAGE 146

F. RESOLUTION NO. 21-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SWIM CLUB MANAGEMENT GROUP INC. FOR MANAGEMENT OF CITY AQUATIC FACILITIES

Action Requested: Resolution authorizing the City Manager to execute a contract with Swim Club Management Group, Inc., of Asheville, North Carolina, for management of City aquatic facilities.

Background:
- The Parks & Recreation Department operates three community pools & an interactive fountain from June - August.
- It has become increasingly difficult to recruit, hire and train qualified temporary seasonal workers.

- A Request for Proposals was advertised for interested companies to operate and maintain the three City of Asheville pools and Splasheville interactive fountain for one year with an option to renew for an additional two years.
- There were 3 proposals received:
    - Swim Club Management Group, Inc, Asheville, NC.: $191,900
    - USA Pools of North Carolina, Charlotte, NC: $279,250
    - Pool Management, Inc, Cumming, GA: $206,161
- Swim Club Management Group, Inc. was selected based on the qualifications, understanding of the scope of services, cost, and availability.
- Swim Club Management Group, Inc. will provide all labor, materials and supplies for the operations and management of the City's aquatic facilities.
- The average annual cost to operate the three community pools in-house has been approximately $200,000.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers.
- Advertisement and outreach was provided by the Asheville Business Inclusion office.
- None of the bidders were Minority & Women-Owned Business Enterprise (MWBE).

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- Contracting with a professional aquatic facilities management company for operations and maintenance ensures community pools will be operated in a safe, efficient manner and eliminate the obstacles associated with retaining an adequate number of certified staff.
- Reduces the seasonal hiring impacts on the Human Resources Department to recruit, hire and on-board temporary employees.
- Community pool operations will be operated with the adequate number of certified staff for the pool season.

Con(s):

- The current COVID restrictions for pools may limit the ability to hire staff in time to open the pools.

Fiscal Impact:

- Funding for this contract exists within the currently approved Parks & Recreation department operating budget for pool staffing and operations.
- The contract amount is budgeted in Parks and Rec in the operating budget.

Motion:

- Motion to authorize the City Manager to execute a contract with Swim Club Management Group, Inc., for management of city aquatic facilities for an amount not to exceed $191,900.

RESOLUTION BOOK NO. 42 - PAGE 147

G. RESOLUTION NO. 21-55 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MOORE & SON SITE CONTRACTORS INC. FOR THE FOREST HILL/CALEDONIA STORMWATER IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Moore & Son Site Contractors, Inc. in the amount of $538,290 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $107,658 (20%) for a total budget of $645,948 for the Forest Hill / Caledonia - Stormwater Improvements Project.

Background:

- The purpose of this project is to make improvements to the stormwater system and roadway along portions of Forest Hill Drive and Caledonia Road.
- Caledonia Road is a bond resurfacing project and a continuation of the previous Caledonia Road Resurfacing project.
- The Forest Hill Drive section of the project is funded by the Stormwater Capital Fund and makes a critical connection between the Kenilworth Road stormwater system and the Caledonia Road stormwater system.
- Several new inlets will be added and new pipes installed inside the right-of-way of Forest Hill Drive (from Caledonia to Kenilworth Road) and the upper portion of Caledonia Road to improve drainage and reduce stormwater on the roadway.
- Concrete curb will also be installed to allow stormwater to be intercepted without causing erosion along the road edge.
- Road safety improvements include:
    - a modification of the intersection of Caledonia Road, just before Forest Hill Drive,
    - speed humps to slow traffic on either side of the stop sign, and
    - resurfacing the remaining section of Caledonia Road and Forest Hill Drive (from Caledonia to Kenilworth Road).
- This project is funded with 2016 General Obligation (GO) bond funds, Stormwater capital funds, and General capital funds.
    - GO bond contribution is $383,368.80
    - Stormwater Capital Fund contribution is $254,179.20
    - General Capital Fund contribution (speed humps only) is $8,400.
- The project was advertised on January 26, 2021.
- A total of five contractors attended the non-mandatory pre-bid meeting.
- The project had an original bid due date of February 18, 2021.
- Only two bids were received, therefore, a formal bid opening was not able to occur.
- The project was re-advertised on February 19, 2021, and a formal bid opening occurred on March 4, 2021 at 3:00 pm.
- The following three (3) bids were received on March 4, 2021 and reviewed:
    - Moore & Son Site Contractors, Inc. of Mills River, NC at $538,290
    - B.H. Graning Contracting, Inc. of Sylva, NC at $633,110.67, and
    - RPM Partners, Inc. of Kernersville, NC at $1,349,580.
- The lowest responsive, responsible bidder was Moore & Son Site Contractors, Inc.
- Construction is anticipated to start mid-April, weather permitting.
- The project should be completed in just over eight months.

Vendor Outreach Efforts:

- The City's Goal Setting Committee has set an annual aspirational goal for construction projects at 4.6% MWBE participation, in alignment with the City's Business Inclusion Policy.
- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, the City of

Asheville website, the City of Asheville Twitter account, and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.

- Stormwater staff also reached out to MWBE contractors that were identified through Yoruba Life, NCDOT HUB certified website, and The Color of Asheville directory.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Out of the three (3) bids received, one (1) bidder self-identified as a MWBE business owner and would be utilizing MWBE subcontractors.
- One (1) bidder indicated that they would be utilizing a MWBE sub-contractor.
- One (1) bidder indicated they would self-perform all work on the contract.
- The lowest responsive, responsible bidder indicated they would self-perform all the work on the contract.
- The Asheville Business Inclusion Office reviewed their bid submission and found the bid was compliant with the ABI Policy for a self-performing contractor.
- The two bidders that were utilizing MWBE subcontractors were not selected because their bid amounts were significantly higher than the lowest responsive, responsible bidder.

Council Goal(s):

- A Financially Resilient City
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The contract will replace an inadequate stormwater system and provide roadway improvements within the city right of way, including speed humps and realignment of an existing non-typical street intersection.
- The new stormwater system will improve roadway drainage and provide stormwater conveyance inside the right-of-way.
- The project will improve public safety in the neighborhood, as well as reduce liability to the City.

Con(s):

- Construction may be somewhat disruptive to nearby residences.
- Efforts will be made to notify the residents and minimize disruptions.

Fiscal Impact:

- Funding for this project is already budgeted in the General Capital Fund (2016 GO Bond Program) and the Stormwater Capital Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Moore & Son Site Contractors, Inc. in the amount of $538,290 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $107,658 (20%) for a total budget of $645,948 for the Forest Hill / Caledonia - Stormwater Improvements Project.

RESOLUTION BOOK NO. 42 - PAGE 148

H. RESOLUTION NO. 21-56 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN AGREEMENT WITH AZTECA SYSTEMS, LLC FOR A CONTRACT FOR ENTERPRISE ASSET MANAGEMENT SYSTEM SOFTWARE LICENSE, MAINTENANCE AND SUPPORT

Action Requested: Adoption of a resolution authorizing the City Manager to renew a one-year contract with Azteca Systems, LLC for Cityworks asset management software.

Background:

- Cityworks asset management software provides a platform for Water Resources and Public Works asset management, work orders, and reporting.
- This is an annual software renewal to allow for continued use of Cityworks software.
- It is highly integrated with the City's GIS program and includes all major physical assets maintained by Water Resources and Public Works (water mains, valves, hydrants, streets, fleet vehicles, etc.).
- One component added in 2020, the Metrics Application Programming Interface (API), allows for integration between Cityworks and Fleet Services' fuel management system.
- This streamlines data entry, increases efficiency, and automates the creation of cyclical work orders and reports.

Vendor Outreach Efforts:

- The City of Asheville conducted a competitive procurement process for an asset management software system for both Public Works and Water in 2016 and 2017.
- There are a limited number of vendors providing enterprise asset management software.
- After reviewing all available options, Azteca Cityworks was selected as the best overall value for the City of Asheville.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- More efficient management of Water Resources and Public Works physical assets and infrastructure.
- Automation of work orders and reporting.

Con(s):

- If continued funding is not appropriated, it will have a significant negative impact on the ability of the Water Resources and Public Works departments to proactively manage and maintain critical infrastructure.

Fiscal Impact:

- The annual software renewal cost is $66,000. This includes $60,000 that was originally adopted as part of the Fiscal Year 2020-21 Water Resources budget.
- The additional $6,000 covers the Metrics Application Programming Interface (API) and will come from the Public Works Fiscal Year 2020-21 budget.

Motion:

- Motion to adopt the resolution authorizing the City Manager to enter an agreement with Azteca Systems, LLC for a one-year renewal contract of the Cityworks asset management software and the Metrics API.

RESOLUTION BOOK NO. 42 - PAGE 149

I. **RESOLUTION AMENDING THE CITY COUNCIL 2021 MEETING CALENDAR TO INCLUDE A CITY COUNCIL RETREAT ON MARCH 31-APRIL 1, 2021, BEGINNING AT 3:00 P.M. ON MARCH 31, AND 8:30 A.M. ON APRIL 1, BOTH ON THE ARENA FLOOR OF HARRAH'S CHEROKEE CENTER - ASHEVILLE, LOCATED AT 87 HAYWOOD STREET, ASHEVILLE N.C.**

This item was removed from the Consent Agenda for discussion and/or an individual vote.

J. **RESOLUTION NO. 21-58 - RESOLUTION AMENDING THE MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO ADD TWO ADDITIONAL MEMBERS; AND AMENDING THE BYLAWS TO INCLUDE A SENIOR STAFF MEMBER FROM THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AS ONE OF THE POSITIONS**

Action Requested: Approval of a proposed amendment to the AHAC Bylaws to add a total of two additional Committee Members for a total Committee membership of 13 members and amending this section of the Bylaws on expertise to include a Staff member from the Housing Authority of the City of Asheville (HACA) as one of the positions.

Background:

- The Affordable Housing Advisory Committee was established in June, 2011, with a 9 member board, and updated in March, 2019, to an 11 member board.
- AHAC would like to add two additional members to the Committee with Housing Experience as stated in the By-Laws.
    - One of the new board members would be from The Housing Authority of the City of Asheville (HACA), with expertise in public housing and vouchers.
    - The second new board member would have general housing experience.

Council Goal(s):

- A Connected & Engaged Community

Committee(s):

- Affordable Housing Advisory Committee - February 1, 2021 - Passed unanimously
- Boards & Commissions - March 9, 2021 - Passed unanimously

Pro(s):

- Additional diversity on the AHAC Committee, adding expertise from HACA

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Move to amend Article III, Section 1, of the Bylaws of the AHAC to add 2 additional Committee Members for a total Committee Membership of 13 Members; and to amend this section of the Bylaws on expertise to include a Staff member from the Housing Authority of the City of Asheville (HACA).

RESOLUTION BOOK NO. 42 - PAGE 151

K. RESOLUTION NO. 21-59 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A SOLE-SOURCE PROCUREMENT OF STATION ALERTING EQUIPMENT FOR FIRE STATION 4 TO MATCH THE EXISTING MACH ALERT SYSTEM USED IN ALL OTHER ASHEVILLE FIRE STATIONS

Action Requested: Adoption of a resolution authorizing the City Manager to use the sole source procurement method to purchase upgrades and enhanced features for the Mach-Alert station alerting system currently installed at Fire Station #4.

Background:

- The Fire Station #4 renovation is currently underway with an estimated substantial completion date of May 2021.
- The project will require specific equipment or systems to be procured with sole source methods.
- These methods are in the best interest of the City for the reasons identified below.

Sole Source Requests

- NCGS 143-129 (e) 6 allows for Purchases of apparatus, supplies, materials, or equipment when:
  (i) performance or price competition for a product is not available;
  (ii) a needed product is available from only one source of supply; or
  (iii) standardization or compatibility is the overriding consideration.
- City Council must approve these items which are to be purchased for installation outside of the construction contract.

- Mach Alert Station Alerting - Fire Station #4
  - Mach Alert is the fire station alerting system that is used in every Asheville fire station to notify firefighters to respond to incidents.
  - The system is integrated within the city's radio system and dispatch center to create a single comprehensive notification system.
  - The Asheville Fire Department has been using the Mach-Alert fire station alerting system since 2016.
  - Changing vendors for the fire station alerting system at Fire Station #4 would require replacement of the current systems located within each of the fire stations and include replacement of the network infrastructure at the dispatch center.
  - A stand alone system would be incompatible with the rest of the alerting system and the comprehensive notification across the City would not be possible.

Vendor Outreach Efforts:

- Sole source procurement allows for products to be purchased exclusively from one vendor in order to ensure the expansion of an existing system using proprietary components.
- In using sole source procurement, there is no outreach because the items are purchased from a specific vendor.

Council Goal(s):

- A financially resilient city

Committee(s):

- None

Pro(s):

- Provides systems that will continue standardization or compatibility with existing City systems.

- This will result in cost savings through reduced operations and maintenance.

Con(s):
- Sole source procurements may reduce competitive pricing.

Fiscal Impact:
- The estimated cost of this upgrade is $50,000.
- The alternative would be to replace the system with a new system which would be significantly more expensive.

Motion:
- Motion to adopt a resolution allowing for the sole source procurement of Mach-Alert Station Alerting for Fire Station #4.

RESOLUTION BOOK NO. 42 - PAGE 152

L. ORDINANCE NO. 4360 (14860) - BUDGET AMENDMENT FROM INSURANCE FUNDS ANTICIPATED TO BE RECEIVED IN CONSIDERATION FOR A TOTALED CITY OF ASHEVILLE FIRE TRUCK TO APPLY TOWARDS THE PURCHASE OF A NEW FIRE TRUCK AND EQUIPMENT

Action Requested: Adoption of a budget amendment in both the Capital Projects Fund and the Property and Liability Fund in the amount of $550,000 from insurance funds anticipated to be received in consideration for a totaled City of Asheville (City) fire truck to apply towards the purchase of a new fire truck and equipment.

Background:
- On January 30, 2021, a City fire truck was totaled when it flipped over on highway I-26.
- The City filed an insurance claim with the City's property insurance carrier seeking replacement cost for the totaled fire truck and equipment and anticipates to receive $650,000 in consideration for the loss, less a $100,000 deductible for a projected total of $550,000 in insurance recovery.
- The City seeks to allocate the insurance proceeds received to the Capital Projects Fund to apply towards the purchase of a new fire truck and equipment.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Allocates City selected replacement cost property insurance policy proceeds for the Asheville Fire Department rather than actual cash value insurance that depreciates assets; resulting in full cost insurance proceeds received to replace the totalled fire truck and equipment loss.

Con(s):
- As it is an unplanned purchase, replacing the fire truck requires identifying an additional $100,000 in funding.

Fiscal Impact:
- $100,000 in additional funding from the annual Capital Improvement Program contingency will be utilized to fully fund the purchase of a replacement fire truck.

Motion:

- Move to adopt a budget amendment in both the Capital Projects Fund and the Property and Liability Fund in the amount of $550,000 from property insurance proceeds to apply towards the purchase of a new fire truck and equipment.

ORDINANCE BOOK NO. 33 - PAGE 251

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Turner moved for the adoption of the Consent Agenda with the deletion of Consent Agenda I. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

I. RESOLUTION NO. 21-57 - RESOLUTION AMENDING THE CITY COUNCIL 2021 MEETING CALENDAR TO INCLUDE A CITY COUNCIL RETREAT ON MARCH 31-APRIL 1, 2021, BEGINNING AT 3:00 P.M. ON MARCH 31, AND 8:30 A.M. ON APRIL 1, BOTH ON THE ARENA FLOOR OF HARRAH'S CHEROKEE CENTER - ASHEVILLE, LOCATED AT 87 HAYWOOD STREET, ASHEVILLE N.C.

Summary: City Council will hold their annual retreat on March 31 and April 1, 2021. The March 31 meeting will begin at 3:00 p.m. and the April 1 meeting will begin at 8:30 a.m., both on the Arena Floor of Harrah's Cherokee Center - Asheville, located at 87 Haywood Street, Asheville, N.C. This retreat will be in-person for Council members, a small number of staff, facilitators and members of the media; however, due to COVID restrictions, the public should continue to view the meeting virtually. Members of the City Council and City staff will meet on March 31st prior to the start of the public meeting, but no public business will be deliberated and no actions will be taken. This portion of the retreat will not be open to the public. Members of the public and media will be provided a means to view the meeting remotely, but no public comment will be taken.

Two individuals encouraged City Council to provide greater details (including the retreat agenda) and more transparency to the retreat. Each requested public comment be allowed during the retreat with live call-ins.

Councilwoman Wisler moved to approve the resolution amending the City Council 2021 meeting schedule as described above. This motion was seconded by Councilwoman Turner and carried 6-1 on a roll call vote, with Councilwoman Roney voting "no."

Councilwoman Roney expressed her concerns regarding a private portion of the retreat.

RESOLUTION BOOK NO. 42 - PAGE 150

III. PRESENTATIONS & REPORTS:

A. UNITED FOR YOUTH NETWORK

City Manager Campbell said that staff will preview the Asheville-Buncombe United for Youth Network. At a future Council meeting, we will ask Council to consider a vote to join the community partnership.

Special Assistant to the City Manager Peggy Rowe said that the United for Youth Network is a multigenerational, cross-sector, cradle to career partnership built on the foundational principle that equity and educational excellence are inseparable. Their vision is that all children and youth learn, grow and thrive in a vibrant, healthy and connected community. Their mission is to actively identify and remove barriers to opportunity and co-create solutions that support student success. Their goals are (1) increase kindergarten readiness; (2) increase third grade literacy rates especially among underperforming students; and (3) improve college and career readiness.

The Network's theory of action and change are (1) by committing to working more boldly as individual organizations and by aligned and leveraging community resources as a network, we will improve systems for equitable student learning and educational excellence; and (2) by committing to a results-based accountability framework, we will support one another and hold one another accountable through continuous learning and course corrections along our path towards our shared vision, mission and bold community goal.

The community goal will be by 2035, all Asheville City and Buncombe County students graduate from high school ready and fully prepared to pursue their goals and dreams.

The lead organization of the Network partners is the United Way of Asheville and Buncombe County. Partners include A-B Tech, Asheville Area Chamber of Commerce, Asheville City Schools, Asheville City Schools Foundation, Big Brothers Big Sisters, Buncombe County Schools, Buncombe Partnership for Children, Children First/Communities in Schools, City of Asheville, My Daddy Taught Me That, MAHEC, Mountain Child Advocacy Center, Our VOICE, United Way of Asheville & Buncombe County, UNC-Asheville, Western Carolina Rescue Mission, YMCA and YWCA. Partner commitments include (1) youth, partner, family, and community leadership; (2) high-quality, student-centered, rigorous learning and teaching experiences; (3) shared learning and professional development; (4) Results-Based Accountability data/evaluation practices; and (5) integrated student supports.

She then reviewed the evidence-based practices.

Examples of possible City commitments (1) continue to provide community learning centers or Positive Opportunities to Develop Success (PODS) at our recreation centers. The program is designed to provide safe in-person learning opportunities for small groups of school-age children while social distancing; (2) continue to improve transit access to those who rely on it most; (3) continue providing quality programs in a safe environment through use of Parks and Recreation; (4) consider the expansion of programs Parks and Recreation already in place; (5) enhance and grow workforce development, and continue to grow the City of Asheville Youth Leadership Academy; (6) consider reimaging role of school resource officers and officers assigned to public housing communities as we reimagine policing; (7) continue using strategic initiatives funds to address achievement gap for Asheville City Schools students; and (8) continue addressing affordable housing needs.

Ms. Campbell and Ms. Rowe responded to various questions/comments from Council, some being, but are not limited to: can we have access to all partnership agreements; are we hearing any concerns of data entry capacity; and have all the partners entered into a written agreement already.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO ARTICLES II AND

XVI OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE DEFINITIONS AND REGULATIONS RELATED TO HOMESTAYS

Councilwoman Turner moved to continue the public hearing to consider an ordinance to amend Articles II and XVI of the Unified Development Ordinance to update definitions and regulations related to homestays until May 11, 2021. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

B. PUBLIC HEARING TO AMEND THE CITY'S 2020-21 ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE HOME INVESTMENT PARTNERSHIP PROGRAMS TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Community Development Program Director Paul D'Angelo said that this is the consideration of a public hearing to authorize the City Manager to submit an amendment to the 2020-21 Annual Action Plan for Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program (HOME) programs to the U.S. Department of Housing and Urban Development (HUD) and to sign all necessary documents; and a budget amendment to increase the amount of the Fiscal Year (FY) 2020-21 CDBG Fund budget to include $1.6M from the sale of city-owned land originally purchased through the Urban Renewal program in the 1970s. This public hearing was advertised on March 12, 2021.

Background:

- On November 10, 2020, Asheville City Council approved the 2020-21 Annual Action Plan for CDBG and HOME programs.
- This is a request to amend the Annual Action Plan to add CDBG funds from the sale of city-owned property to White Labs (a portion of which was acquired through urban renewal) and to allocate those additional funds for the purchase of a property at 65 Ford Street.
- The sale of City-owned land to White Labs, Inc. occurred in December 2020, and the City received $3.7 million in revenue.
- A portion of this property at 172 & 174 S. Charlotte Street includes land the City purchased in the 1970's that was part of Urban Renewal of East End / Valley Street.
- Of the proceeds, $1.6 million is classified as CDBG Program Income and must be spent on CDBG eligible activities to benefit low to moderate income individuals and families and/or in low to moderate income (LMI) areas.
- In addition, the CDBG funds must be spent, not just assigned or allocated, on an eligible CDBG project before May 1, 2021, to pass the City's Annual HUD timeliness test or the City risks future grant allocations per HUD requirements.
- HUD has a longstanding policy of reducing the next year's grant allocation if a grantee continues to show untimely expenditures of funds.
- Acquisition of real property is an eligible use for CDBG Program Income and includes the purchase of land.
- Staff shared the desire to partner with the Housing Authority of the City of Asheville at the City Council Affordable Housing Workshop in January 2021.
- Staff has identified an eligible land acquisition to assist the Housing Authority of the City of Asheville's (HACA) rebuild of Deaverview Apartments, as a strategic use of these time-sensitive federal funds.
- This investment, specifically the purchase of 65 Ford Street of approximately 21 acres, will transfer federal funds tied to urban renewal into a viable housing resource to serve approximately 300 low and moderate income individuals and families.
- The purchase of the Ford Street property was approved by City Council in February 2020 and this is a request to use the CDBG Program Income funds, rather than Affordable Housing Bond Land-banking funds, to purchase the property due to the requirements that

a municipality should only have 1.5 times their annual CDBG Allocation unspent by May 1st, 2021.

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- Housing & Community Development Committee (HCD) - March 16, 2021 - Discussion only

Pro(s):

- Approval of the Amended Annual FY 20/21 Action Plan allows the City of Asheville to complete the purchase of 65 Ford Street with the intent to assist with the redevelopment of the Deaverview Apartments to develop up to 300 affordable housing units for the benefit of low to moderate income individuals and families.
- Approval of the Amended Annual FY 20/21 Action Plan will assist the City of Asheville with their HUD timeliness test that will occur on May 1, 2021, and minimize the potential of having our annual allocation reduced due to our inability to spend the current allocation fast enough.
- Using restrictive HUD CDBG PI dollars on the eligible purchase 65 Ford Street frees up other less restrictive sources of funding like Housing Trust Fund dollars for other housing initiatives.

Con(s):

- The receipt of these funds in late December, 2020, and the HUD timeliness test on May 1, 2021, limits the abilities of the City of Asheville to spend this funding on other eligible activities and in a timely manner.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- The City of Asheville is reserving none of this $1.6M in CDBG PI for staff costs to administer the funding, normally 20%.
- The FY 2020-21 budgets for the both CDBG & HOME program were included in the annual budget ordinance that City Council adopted on July 30, 2020, and updated on November 10, 2021.
- The budget amendment will revise the CDBG amounts to include this $1.6M in CDBG PI.
- The purchase of 65 Ford Street will cost approximately $1.5M for site costs and due diligence, leaving approximately $100,000 in CDBG Program Income that can be absorbed into CDBG PI for future CDBG allocations.

Mr. D'Angelo gave some background information of 172 and 174 S. Charlotte Street. The economic development partnership with White Labs began in 2015 with a 5-year plan that included the sale of 172 and 174 S. Charlotte Street. A portion of this site includes land purchased by the City through Urban Renewal in the 1970s. This land was listed as exempt in the City's decision in 2020 to suspend the sale of City-owned land acquired through Urban Renewal. The company has met their milestones and the City has sold the land to fulfil the obligations in the contract. The sale occurred in late 2020 and the City received $3.7 Million in revenue, with $1.6 Million classified as CDBG PI due to the ties to Urban Renewal. The $1.6 Million must be spent on CDBG eligible activities to benefit Low to Moderate Income (LMI) Individuals and Families and in accordance with the Timeliness Test.

He said that staff has been aware for over a year that this property would occur and received as CDBG PI. Originally, a closing of May, 2020, was planned, giving the Community & Economic Development staff more flexibility with the spend and Timeliness Test, nearly 1 year. Staff recognized this $1.6 Million transaction in the 2020-21 Action Plan that was passed in November, 2020, as expected income with a plan to follow. With COVID and standard real estate closing delays, the closing date shifted and ultimately did not happen until late December, 2020. Staff immediately began to document how this funding could be spent to benefit LMI Individuals & Families, on an eligible activity and with very limited options based on the HUD Timeliness Test. Additionally, staff contacted HUD to get clarification about any waivers or extensions that could be given to determine if it was possible to extend the timeframe on the City's Timeliness Test and/or to develop a plan to spend the money.

Regarding the land purchase at 65 Ford Street, in February 2020, City Council approved the purchase of 65 Ford Street using Affordable Housing Bond (Land Banking) funds. Staff shared at the January 2021 Affordable Housing Worksession that this land is part of a larger 60 acre redevelopment opportunity in partnership with the Housing Authority & Purpose Built Communities (PBC). Nationally recognized PBC's vision is to make holistic community investments in housing, including homeownership, education, community and recreation to achieve equitable outcomes for all. The City's intent with this land purchase is to improve the lives of low and moderate income residents, end the cycle of intergenerational poverty, create greater racial equity, support and promote economic mobility, and improve the health and education outcomes for families and children. This land acquisition will kickstart an approximate year-long community engagement and planning process. Due diligence (surveys, geotech and environmental assessments) on the site is complete and this acquisition is a strategic use of these one-time CDBG funds. Staff is working on a framework to move forward with a master planning process for the 65 Ford Street and the Cedar Hill property would have mixed income, mixed use and various ownership models. The Master Plan could but does not require the City work with the Housing Authority. Any agreements to partner on the project will need approval from City Council. Staff understands that the Housing Authority has begun working with the residents on a vision for the rebuild of Deaverview Apartments including a strategy to keep residents from moving twice.

Mr. D'Angelo said that in summary, the (1) City of Asheville has received $1.6 Million in CDBG Program Income from the sale of land at 172-174 S. Charlotte Street. Program Income includes any miscellaneous income generated from a prior use of CDBG funds (2) this funding must be spent by May 1, 2021, to pass our annual HUD Timeliness Test, which means we cannot have more than 1.5 times our annual allocation or $1.5 Million for Asheville; (3) the City has a 21 acre parcel of land under contract that can be purchased for approximately $1.5 Million by May 1, 2021; and (4) HUD has a longstanding policy of reducing the next year's CDBG grant allocation if the funds aren't spent in a timely manner.

He said that the HUD Timeliness Test limits the City's options on this spend. This $1.5 Million purchase of 65 Ford Street invests CDBG PI back into the community with a plan for affordable housing, including homeownership. This land purchase is an eligible use of CDBG PI, is timely to remain HUD compliant and frees up bond - land banking dollars for other housing initiatives. Staff has been working closely with HUD for guidance on this PI and have been reminded that if a grantee's timely performance deficiency remains unaddressed, HUD will take corrective action that could result in sanctions.

In response to Councilwoman Mosley, Mr. D'Angelo said that staff made a specific request to HUD for an extension to look at other options for these Urban Renewal funds; however, they said no.

In response to Mayor Manheimer, the reason why we can't use the Affordable Housing Bond Funds (Land Banking) for this purchase would be that we would not be able to pass the HUD Timeliness Test of spending the $1.6 CDBG Program Income by May 1, 2021. If we fail the HUD Timeliness Test, they may apply sanctions to Asheville and then reduce CDBG funding in future years.

When Vice-Mayor Smith asked how we can manage Program Income in the future so we don't have this time crunch, Mr. D'Angelo said that this is by far the largest amount we have ever received. If we would have received $100-200,000 we could have worked with applicants and awarded funds.

In response to Councilwoman Turner, Mr. D'Angelo explained the assemblage of land. He said this purchase of 21 acres is contiguous to the 16-20 acres the City owns next to Cedar Hill. Cedar Hill is next to Deaverview.

In response to Councilwoman Roney, Mr. D'Angelo said that after the purchase of this property, we will be kicking off shortly a year long community engagement process that will follow the Purpose Built Community Model.

Mayor Manheimer opened the public hearing at 5:47 p.m.

From advanced live call-ins, four individuals spoke to Council with various comments, come being, but are not limited to: urged Council to explore all available options for spending these urban renewal profits in ways that are truly reparative to the Black community in this City; request for Coach Tate Foundation to receive City resources for building Communities in Education through Sports, Art & Music; support of investing the $1.6 Million in mortgage down payment assistance or other permanent housing options rather than renovating Deaverview; what money is available for reparations; need to be clear that this land purchase is for the intent to assist with redevelopment of Deaverview Apartments; and what is the vision of creating the Reparations Fund.

Councilwoman Kilgore supported this land purchase so that the City can control almost 60 acres of land for the Black community close to downtown. This will be a planned unit neighborhood that encompasses townhomes and condos at affordable prices for the community. The whole concept is to provide a community for the Black citizens to be able to thrive.

In response to Councilwoman Turner, Mr. D'Angelo said that if the Purpose Built Community does not come to fruition and the land is sold again it would go back to the CDBG Program Income.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Kilgore moved to recess this item until April 13, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4361 / 4861 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES V, VIII, XI & XII RELATED TO DISCRETIONARY DECISIONS IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

Mayor Manheimer said that this public hearing was held on March 9, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Wisler moved to approve the proposed wording amendments to Chapter 7 Articles V, VIII, IX, XI and XII of the UDO and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendments will, 1) promote responsible growth based on holistic decision making; and, 2) bring City ordinances into compliance with the new North Carolina General Statute Chapter 160D, regarding land use development. This motion was seconded by Councilwoman Kilgore carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 252

C. RESOLUTION NO. 21-60 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

Mayor Manheimer said that this public hearing was held on March 9, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Turner moved to permanently close an unopened right-of-way known as Trade Street. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 153

C. 2021 REFUNDING BONDS

RESOLUTION NO. 21-61 - RESOLUTION APPROVING THE 2021 LIMITED OBLIGATION REFUNDING BONDS

RESOLUTION NO. 21-62 RESOLUTION APPROVING THE 2021 SPECIAL OBLIGATION REFUNDING BONDS AND BOND ORDER

RESOLUTION NO. 21-63 - RESOLUTION APPROVING THE BOND ORDER FOR THE 2021 SPECIAL OBLIGATION REFUNDING BONDS

Mayor Manheimer said that the public hearing on the 2021 Limited Obligation Refunding Bonds was held on March 9, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Wisler moved to adopt the resolution approving the 2021 Limited Obligation Refunding Bonds. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 154

Councilwoman Wisler moved to adopt the resolution approving the 2021 Special Obligation Refunding Bonds. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 158

Councilwoman Wisler moved to adopt the resolution approving the Bond Order for the 2021 Special Obligation Refunding Bonds. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 161

D. VANCE MONUMENT

RESOLUTION NO. 21-64 - RESOLUTION TO APPROVE THE DEMOLITION AND REMOVAL OF THE VANCE MONUMENT, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CHONZIE, INC. FOR THIS WORK, AND TO AUTHORIZE STAFF TO INITIATE A REQUEST FOR PROPOSALS TO DEVELOP A VISION DOCUMENT TO GUIDE THE FUTURE REPURPOSING OF THE VANCE MONUMENT AREA

ORDINANCE NO. 4362 / 4862 - ORDINANCE FOR THE COST OF THE COMPREHENSIVE COMMUNITY VISION DOCUMENTS

Assistant City Manager Richard White said the Vance Monument has become a public safety threat in our community. On numerous occasions, the monument has been vandalized and the City has received significant threats that members of the public will attempt to topple the structure. On November 19, 2020, the Vance Monument Task Force voted to recommend removal of the monument. The City Attorney has confirmed that the City has the legal authority to remove the monument as its existence has been deemed a public safety hazard due to the dangerous and unsafe condition it presents. City Council requested that staff provide information regarding the cost of potential removal of the monument and reuse of the site.

Capital Projects Director Jade Dundas said that this is the consideration of a resolution directing the City Manager on action to be taken in regard to the Vance Monument; and a budget amendment in the amount of $70,000 from General Fund unassigned fund balance for the cost of the comprehensive Community Vision Document.

Background:

- The Vance Monument has become a public safety threat in our community.
- On numerous occasions, the monument has been vandalized and the City has received significant threats that members of the public will attempt to topple the structure.

- In July 2020, the Vance Monument was shrouded with temporary leased scaffolding to reduce its impact on the community and to reduce the risk of harm it presents.
- On 11/19/2020, the Vance Monument Task Force voted to recommend removal of the monument.
- The City Attorney has confirmed that the City has the legal authority to remove the monument as its existence has been deemed a public safety hazard due to the dangerous and unsafe condition it presents.
- The City Council requested that staff provide information regarding the cost of potential removal of the monument and reuse of the site.
- Bids for the demolition and removal of the Vance Monument were advertised 01/07/2021 and opened on 01/28/2021.
- The duration for the removal, pending Council authorization, would be anticipated to take 45 calendar days.
- The bids are valid for 90 days.
- The following five bids for the monument removal were received:

Contractor	Location	Amount
o Neo Corporation	Canton, NC	$ 157,000
o Silvers and Associates, LLC	Burnsville, NC	$ 495,000
o Tennoca Construction Co.	Candler, NC	$ 244,100
o 4 Seasons Demolition, Inc.	Wilmington, NC	$ 149,000
o Chonzie, Inc.	Asheville, NC	$ 114,150

- A comprehensive Community Vision Document that guides the future repurposing of the site is estimated to cost between $50-$70,000, depending on scope of services and requested schedule.
- Staff will utilize fund balance for the cost of the Vision Document; and seek funding partners to help offset that cost.
- The Vision document will provide direction concerning the next phase and expertise needed to determine final repurposing of the site or the monument.
- If Council directs staff to pursue a visioning process, staff can hold a Request for Proposals process for planning and engagement services in mid-April, and begin working with the community as early as June. The Vision Document could be delivered by the end of 2021.

Vendor Outreach Efforts:

- Staff performed outreach to minority-and women-owned businesses through solicitation processes, which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority- & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- In addition, staff was able to break up the scope of work into multiple parts.
- One contract would address the monument demolition and removal.
- Separate from the Vance Monument removal contract, a temporary site restoration and landscape installation would be planned for the site where the Vance Monument stands.
- Outreach for separate site restoration work was performed following the Asheville Business Inclusion policy.
- A separate contract for site restoration would be awarded to MS Lean Landscaping, LLC in the amount of $25,535.
- The City followed standard practice for selecting contractors and MS Lean Landscaping was the lowest responsive responsible bidder.
- MS Lean Landscaping is an Asheville African American-owned Business and award of the contract will result in 18.3% minority participation, when evaluating these separate contracts as a whole project.

Council Goal(s):

- An Equitable and Diverse Community; A Connected and Engaged Community; A Well Planned and Livable Community.

Committee(s):
- Vance Monument Task Force, 11/19/20 voted to recommend removal of the monument.

Pro(s):
- Presentation of Information only

Con(s):
- Presentation of information only

Fiscal Impact:
- If Council decides to move forward with removal, it should be noted that this action would be an unplanned capital expense.
- Each year as part of the Capital Improvement (CIP), staff budgets $750,000 in contingency for unplanned expenses.
- Staff utilized $248,485 from the Fiscal Year 2021 CIP contingency to establish a project budget for expenses associated with the shrouding and potential removal of the monument.
- Funding partnerships would be sought to offset the costs associated with this removal project and the repurposing project.
- Potential funding partners include other local government agencies and possibly private grant providers for both the removal project and the repurposing project.

Councilwoman Kilgore voiced her strong belief that the Vance Monument is an obelisk and it does not represent the confederacy. It is a piece of art and an historic monument. The Vance Monument is not a statue of a man, but a single obelisk that can be repurposed. She also felt the Vance Monument Task Force process was not vetted correctly and that we should hear from the entire community as we strive for transparency.

Mayor Manheimer said that on December 8, 2020, City Council voted to receive the recommendation of the Vance Monument Task Force. The question before City Council is whether to authorize the City Manager to enter into a contract to remove and temporarily replace the monument until we can engage in a full process around the vision of the replacement. It is a difficult decision as it is the centerpiece of our City; however, she believes the Vance Monument no longer or never has reflected the values of our community.

Councilwoman Roney said that, holding accountability for her ancestors and recognizing her own privilege, she is honoring requests she has heard to lift up the wisdom and understanding and experiences of neighbors often unheard, unanswered or excluded from decision-making. She appreciated the recommendation and the work of the Vance Monument Task Force. She remembered during the uprising last summer the voices of Black youth and their families crying out in the streets of Asheville to urgently dismantle the symbols and systems of white supremacy. Black elders have told her their stores of this monument as a magnet, attracting those who threatened to harm them. And she is reminded of the monument shadows that cast across the indigious burial grounds of the Cherokee people. The prominent and proximal presence of this monument at the heart of our City, our County, our criminal legal system and the Central Business District is a threat to public health and public safety.

Councilwoman Mosley moved to adopt a resolution to direct the City Manager to move forward with the demolition and removal of the Vance Monument as recommended by the Vance Monument Task Force, to authorize the City Manager to execute a contract with Chonzie, Inc. in

the amount of $114,150, for the demolition and removal project as well as to execute any change orders that may arise during the project up to the contingency amount of $11,415 (10%), and to authorize the City Manager to initiate the Pack Square Visioning Process as presented. This motion was seconded by Vice-Mayor Smith.

From advanced live call-ins, ten individuals provided their opinions on whether to remove the Vance Monument or repurpose the Monument.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

The motion made by Councilwoman Mosley and seconded by Vice-Mayor Smith carried on a 6-1 roll call vote with Councilwoman Kilgore voting "no."

RESOLUTION BOOK NO. 42 – PAGE 164

Councilwoman Mosley moved to adopt a budget amendment in the amount of $70,000 from General Fund unassigned fund balance for the cost of the comprehensive Community Vision Document. This motion was seconded by Vice-Mayor Smith and carried on a 6-1 roll call vote, with Councilwoman Kilgore voting "no."

ORDINANCE BOOK NO. 33 - PAGE 262

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-65 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION

Vice-Mayor Smith said that City Council conducted interviews for the following School Board candidates: Joyce Brown, Patricia Griffin, James Carter, Michele Delange, Jacquelyn Carr McHargue, Peyton O'Conner, and George Sieburg.

After Council Members expressed their gratitude to these outstanding candidates, each member of Council was asked to name three candidates. Joyce Brown received 3 votes, Patricia Griffin received 2 votes, James Carter received 4 votes, Michele Delange received 1 vote, Jacquelyn Carr McHargue received 7 votes, Peyton O'Conner received 2 votes, and George Sieburg received 2 votes.

Since only two candidates (James Carter and Jacquelyn Carr McHargue) received a majority of votes, another round of votes took place with each member of Council casting one vote for those candidates that received two or more votes. Joyce Brown received 1 vote, Patricial Griffin received 2 votes, Peyton O'Conner received 4 votes, and George Sieburg received no votes.

Mayor Manheimer moved to (1) reappoint James Carter as a member of the Asheville School Board to serve a four-year term, term to expire on April 1, 2025, or until his successor has been appointed; and (2) appoint Jacquelyn Carr McHargue and Peyton O'Conner as members to the Asheville School Board to each serve a four-year term respectively, terms to begin on April 1, 2021, and expire on April 1, 2025, or until their successors have been appointed. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 166

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, six individuals spoke to Council, including, but not limited to the following comments: opposition to the Bluff's development at Richmond Hill and request City Attorney to represent City residents who are opposed to this development; try to pause the closing of Asheville Primary School; allow live call-ins during the City Council meeting; support the homeless community; and set aside money for reparations.

Councilwoman Roney said that syringe exchange is a key and vital partnership to public health and safety, which is why it's been legal in North Carolina since 2016. Housing as a human right is also a matter of public health and safety but it's not yet been recognized for our human family that is experiencing homelessness. She thanked all the partners and neighbors for participating in solutions.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:03 p.m.

Magdalen Bowerson
CITY CLERK

Esther E. Manheimer
MAYOR

202

Tuesday – April 13, 2021 - 3:00 p.m.

Budget Worksession

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

City Manager explained that this worksession will cover (1) budget process review and updates; (2) General Fund status; (3) American Rescue Plan (ARPA) planning; and (4) Capital Improvement Program (CIP) development process update.

Key takeaways today include (1) staff working to link ongoing community engagement and internal budget work; (2) revenue growth in General Fund will likely be absorbed by increased cost to provide existing level of service; (3) reviewing guidance on ARPA and will need additional staff to support the program; and (4) significant capital needs will require additional funding to address.

Finance Director Tony McDowell gave a brief overview of the Fiscal Year 2021-22 (FY22) budget process review, along with upcoming budget dates for Council.

A brief review of the March 23 worksession review included (1) pandemic has adversely impacted enterprise funds' operations and revenues; (2) assessing fees for customer impact (cost and service); (3) water fee realignment needed to fund system maintenance; and (4) American Rescue Plan can help address, but planning will be critical.

Budget Manager Taylor Floyd reviewed the March community engagement actions and the upcoming April community engagement sessions.

Finance Director McDowell then reviewed the FY 22 General Fund baseline revenues and expenditures. Regarding the baseline General Fund revenue of property taxes, there is a total additional property tax revenue of $3.2 Million. Regarding the baseline General Fund revenue for sales taxes, the total additional sales tax revenue is $4.8 Million. The summary is to expect a total General Fund revenue growth of $5.6 Million or 4.2%. Regarding baseline General Fund expense assumptions, the $5.6 Million in revenue growth will mostly be used up by ongoing operating cost increases including other post-employment benefits (retiree healthcare), capital contribution, Health Fund contribution, and overall departmental operating budgets.

Finance Director McDowell outlined the 13 Council priority strategies along with the four Council funding priorities from the retreat (1) reparations; (2) reimagining public safety; (3) compensation; and (4) utilization of ARPA funding. Staff will bring more specific funding proposals for Council consideration at the April 27 budget worksession.

Budget Manager Floyd said that regarding the ARPA, (1) awaiting guidance from the US Dept. of the Treasury; (2) $26 Million direct allocation to the City of Asheville; (3) provided in two payments - first half 60 days from when signed into law; and second half one year later; and (4) December 31, 2024, is current deadline to spend. ARPA qualified uses include (1) respond to the COVID-19 emergency and address its economic effects, including aid to households, small

businesses, nonprofits, and industries such as tourism and hospitality; (2) provide premium pay to essential employees or grants to their employers; (3) provide government services affected by a revenue reduction resulting from COVID-19; and (4) make investments in water, sewer and broadband infrastructure. Government Finance Officers Association guidance on ARPA include (1) prioritize non-recurring expenses; (2) spread over the qualifying period; (3) replenishing reserves (offsetting revenue loss) should be given high priority; (4) consider regional initiatives; and (4) adequate time should be taken to carefully consider all alternatives for the prudent use of funding prior to committing the resources. School of Government guidance on ARPA include (1) still limited by state authority granted to municipalities; (2) consistency with other laws and policies (e.g., employment law, personnel policy); (3) may not use infrastructure monies for operating expenses; and (4) a local government likely will not be able to construct broadband infrastructure absent additional legislative authority. The National League of Cities guidance on ARPA include (1) assess government operations and community needs; (2) gather your team; (3) build connections; (4) solicit input; and (5) make racial equity part of your plan. Asheville's ARPA guiding principles include (1) align with priorities; (2) use an equity lens; (3) focus on measurable impact; (4) think holistically; (5) invest in resilience; and (6) consider the long term. Asheville's ARPA next steps include (1) await guidance from the US Treasury on eligible uses of funds; (2) time-limited staffing to support management; (3) develop and prioritize project ideas from Council, departments and the community; (4) Council approval of spending priorities; and (5) launch initial projects in early FY22.

Budget Manager Floyd explained the Capital Improvement Program (CIP). A capital asset is land; buildings and improvements; infrastructure (streets, sidewalks); and equipment and machinery. Capital is separate from operating due to (1) project-based not program based; (2) scale of investment; (3) longer time horizon; and (4) use of debt. Using a chart, Finance Director McDowell showed historic and projected capital spending, along with a map of geographic investments of 2016 General Obligation Bonds and other CIP projects. Planning future investments include (1) limited resources and significant needs - projects identified are $700 Million; (2) clear decision-making criteria, especially how equity is incorporated; and (3) beginning longer-term planning. CIP next steps include (1) in proposed budget (a) projects prioritized for funding; and (b) timeline; and (2) continuing work (a) develop criteria for all project prioritization; (b) identify additional funding to address needs; (c) neighborhood review; and (d) opportunity for federal infrastructure funding.

Finance Director McDowell then reiterated the key takeaways for today which include (1) staff working to link ongoing community engagement and internal budget work; (2) revenue growth in General Fund will likely be absorbed by increased cost to provide existing level of service; (3) reviewing guidance on ARPA and will need additional staff to support the program; and (4) significant capital needs will require additional funding to address.

City Manager Campell, along with Finance Director McDowell and Budget Manager Floyd, responded to various questions/comments from Council, some being, but are not limited to: request for list of all open positions; explanation of how recycling is being funded - out of the General Fund and/or fees; what are some programs that were funded fully in grants in prior years that we are now having to fund ourselves and what are the obligations we have to continue those programs; with the new body worn cameras contract, is maintenance included in that cost; for the new fire station staffing, is that amount based on current salaries and a full year cost; what is the projected opening date for the new fire station; does the hiring for the frozen positions include public safety positions; can we set something up that addresses being proactive to protect homeowners that are on the verge of losing their homes; any thought on what resilience might look like and how we can better respond to the next disaster or crisis; are religious organizations eligible for the ARPA funding; need to make sure that the approved uses by the Treasury correspond with the allowed uses from the state for municipalities; can the funds be used so as not to raise water fees; and is there an opportunity to solicit input from our boards &

commissions. For all questions/comments that could not be readily answered, City staff will provide Council with a memorandum with those responses.

Discussion surrounded some of the guiding principles that Council would like to also see included in the use of the ARPA funds, i.e., focus on partnerships including Buncombe County, Metropolitan Planning Organization, United for Youth Partnership, etc.; leveraging dollars with other partners; coordinated community effort campaign for information sharing; ongoing engagement and education of the community; and recognition that we catch up on revenue.

Councilwoman Roney explained some of her thoughts on what she is hearing from the community: cooperative housing and eviction protection; looking at overlaps in plans and long-term goals around resilient food systems; workforce development, accessibility, education, mentorship, diversion and re-entry programming, specifically around not just addressing our economic instability but moving from the emergency of instability to the gains that are needed to address our inequities; and, community led solutions to get to our goals so we can maximize our funds. She suggested we might consider setting aside a percentage of funds for targeted participatory budgeting and reparations, if that is possible and can fall into the scope of this work.

At 4:05 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – April 13, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 23, 2021

B. ORDINANCE NO. 4363 (14863) - ORDINANCE AMENDING SECTION 16-39 OF THE CODE OF ORDINANCES RELATED TO PUBLIC RIGHT-OF-WAY CUTS CLARIFYING THAT CITY CAPITAL PROJECTS ARE EXEMPT FROM THE PERMIT FEE

ORDINANCE NO. 4364 (14864) - ORDINANCE AMENDING THE FISCAL YEAR 2020-21 FEES & CHARGES MANUAL TO CLARIFY THAT CITY CAPITAL PROJECTS ARE EXEMPT FROM THE PERMIT FEE

Action Requested: Adoption of an amendment to Chapter 16 Article II Section 16-39 of the City Code related to Public Right of Way Cuts to clarify that City capital projects are exempt from the permit fee; and approval of an amendment to the Fiscal Year 2020-21 Fees and Charges Manual to clarify this exemption.

Background:

- City ordinance requires Public Works to assure that all cuts (excavations) that are within the City rights of way have a permit issued.
- Permits help provide information related to the work being performed, project duration, contact information for the contractor performing the work; ensure that the work is being inspected; and help to ensure that a warranty is in place after the work is completed.
- These requirements are also included in all City-managed public infrastructure projects.
- Prior to this proposed ordinance amendment, it has been required that City contractors get a permit to perform City work.
- The proposed change allows for City staff to complete permitting on behalf of the project and clarifies that City capital projects are exempt from this right of way cut permit fee.
- This proposed change will have no impact on the City's Utility Cut Patching Program and the associated fees that the City's Water and Stormwater utilities are required to pay.

Vendor Outreach Efforts:

- Not Applicable

Council Goal(s):

- Transportation and Accessibility; A Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- Reduces cost of projects by eliminating permitting work completed and charges by contractors.
- Ensures that Public Works staff is informed of work in the right of way and records pavement, sidewalk and shoulder cut activity.
- Improves communication about internal work activities and promotes consistency between departments.

Con(s):

- This will lower the revenue collected in the Street Cut program.

Fiscal Impact:

- This adjustment will have a negative financial impact on the Street Cut Fund of approximately $15,000 annually.
- Although this is a revenue loss to the Street Cut Fund, the overall cost to the City capital budget will be lower since contractors that are charged this permit fee currently charge an administrative markup to cover the cost of their administrative expenses.

Motion:

- Motion to approve the proposed amendments to (1) Chapter 16 Article II Section 16-39 related to Public Right of Way Cuts exempting City capital projects from the permit cut fee; and (2) to the City's Fiscal Year 2020-21 Fees and Charges Manual clarifying the fee exemption for City projects.

4863

ORDINANCE NO. ~~4363~~ - ORDINANCE BOOK NO. 33 - PAGE 263
ORDINANCE NO. 4364/- ORDINANCE BOOK NO. 33 - PAGE 265

4864

206

C. **RESOLUTION NO. 21-66 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY REGARDING FEASIBILITY SITE ASSESSMENTS AND TO ISSUE A JOINT CONSTRUCTION BID FOR ONSITE RENEWABLE ENERGY SYSTEMS**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to conduct feasibility site assessments and to issue a joint solicitation for onsite renewable energy systems.

Background:

- The City of Asheville will enter into an interlocal agreement with Buncombe County to give authority to conduct feasibility site assessments and issuance of a joint solicitation for onsite solar energy systems.
- Onsite energy systems installed will be a photovoltaic (PV) system. A PV system is a power system in which solar panels will convert sunlight to electricity. Electricity generated will be consumed at the site where they are located. Any additional electricity not able to be used on site will be supplied back to the electricity grid managed by Duke Energy.
- The solicitation will be issued by Buncombe County and will also include sites from Buncombe County, Town of Weaverville, Town of Black Mountain, and UNC Asheville.
- Joining the solicitation with these partners will increase the requested number of renewable systems which may provide all parties with lower prices.
- It also supports Buncombe County Resolution 17-12-06 to transition all of Buncombe County to renewable energy by 2042.
- The City will be responsible for selection of the sites, funds for feasibility assessments, and funds to prepare solicitation documents.
- The City is under no obligation to enter into an agreement with responsive bidders if it is not deemed in the best interest of the City.

Council Goal(s):

- A Clean and Healthy Environment
- A Fiscally Resilient City

Committee(s):

- Sustainability Advisory Committee on Energy and the Environment - March 10, 2021- Support

Pro(s):

- Supports Resolutions 11-77 (80% carbon reduction goal), 18-279 (100% renewable energy goal) and 20-25 (climate emergency declaration).
- An interlocal agreement with Buncombe County will increase the requested number of renewable systems which may provide all parties with lower prices.

Con(s):

- None

Fiscal Impact:

- $10,000 has been budgeted from the Green Savings account to prepare solicitation documents for solar systems and $13,172 has already been spent in technical analysis.
- The solicitation will accept "solar leasing" or "energy as a service" responses.

- Solar leasing or energy as a service would require a long-term agreement that translates into a low-to-no upfront cost to install the solar systems with an annual or monthly payment agreed upon with the bidder and recipients.
- Ideally, the annual cost would be at or below the electric utility cost already incurred by these facilities.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to issue a joint solicitation for onsite renewable energy systems.

RESOLUTION BOOK NO. 42 - PAGE 167

D. ORDINANCE NO. 4365 / 4865 TECHNICAL BUDGET AMENDMENT IN EACH OF THE CITY'S ANNUAL OPERATING FUNDS TO APPROPRIATE FROM RESTRICTED AND ASSIGNED FUND BALANCE THE REQUIRED BUDGET AUTHORIZATION FOR PRIOR YEAR CONTRACTS, PURCHASE ORDERS, AND OTHER CARRY-OVER APPROPRIATIONS THAT ROLLED FORWARD TO FISCAL YEAR 2020-21

Action Requested: Technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations totaling $11,923,074.25 that rolled forward to Fiscal Year (FY) 2020-21.

Background:

- As part of its ongoing operations, the City enters into various contracts and purchase order agreements throughout the fiscal year.
  - Budget funds are encumbered for the full amount of the expected purchase.
  - These contracts and purchase orders are often not fully completed and paid in one fiscal year.
  - North Carolina General Statutes provide authorization for local governments to reserve the unexpended portion of these prior year commitments and roll those budgets forward to the new fiscal year.
- As a part of the FY 2019-20 annual audit, staff identified prior year commitments and carry-over appropriations to roll forward to FY 2020-21.
  - These dollar amounts were deducted from the unassigned fund balance amounts that were reported in the Comprehensive Annual Financial Report.
  - The technical budget amendment will provide authorization to officially appropriate these amounts in the FY 2020-21 budget for each of the City's annual operating funds. It is standard practice for staff to bring forward this technical budget amendment each year at the same City Council meeting in which the external auditors present the annual audit results.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2020-21.

Con(s):

- None.

Fiscal Impact:

- There is no impact on unassigned/available fund balance in the City's operating funds.

Motion:

- Motion to adopt a technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2020-21.

ORDINANCE BOOK NO. 33 - PAGE 266

E. **RESOLUTION NO. 21-67 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO, AND ACCEPT IF AWARDED, FEDERAL TRANSIT ADMINISTRATION FOR THE CORONAVIRUS RESPONSES AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT (CRRSAA) 2021 5310 (ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES) GRANT FUND, TO SIGN ALL APPROPRIATE AGREEMENTS WITH THE FTA, FEDERAL AND STATE AGENCIES, AND EXECUTE A SUBRECIPIENT AGREEMENT WITH MOUNTAIN PROJECTS INC.**

ORDINANCE NO. 4366/4866- BUDGET AMENDMENT IN THE TRANSIT MULTI-YEAR AND TRANSIT OPERATING FUNDS TO BUDGET THE FTA CRRSAA GRANT FUNDS

Action Requested: Adopt a resolution authorizing the City Manager to apply for the FY 2021 CRRSAA (Section 5310) grant funds, and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute a subrecipient agreement with Mountain Projects, Inc., and approve a budget amendment in the Transit Multi-Year and Transit Operating Funds in the amount of $60,153 to budget the grant funds.

Background:

- On December 27, 2020, the Fiscal Year 2021 Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) was signed into law.
- On January 11, 2021, the Federal Transit Administration (FTA) announced availability of $14 billion in transit-related funds apportioned to the transit industry under CRRSAA to be distributed as follows:
  - $13.26 billion for urbanized areas (Section 5307 formula grant funds)
  - $678.2 million for rural areas and tribes (Section 5311 formula grant funds)
  - $50 million for Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310 formula grant funds)
- Based on the funds apportioned to transit systems, the Asheville Urbanized Area (AUZA) received $60,153 in Section 5310 formula grant funds.
- No Section 5307 funds were provided to the AUZA with the CRRSAA relief supplemental funds. This is not part of the American Rescue Plan Act of 2021 funding which was signed into Law on March 11, 2021.
- At the French Broad River MPO (FBRMPO) quarterly Transit Operators' meeting in fall 2020, transit agency members agreed that the CRRSAA Section 5310 funds should be added to the regular annual Section 5310 Call for Projects (FY 2020), and that the funds should be awarded to only one transit operator rather than splitting it among several transit systems in the Asheville Urbanized Area.

- Based on the results of the annual Section 5310 call for projects, Mountain Projects, Inc., which provides fixed-route and paratransit services in Haywood County, was allocated $54,138 out of the available CRRSAA Section 5310 funds of the $60,153 provided by the FRBMPO. The City of Asheville was allocated $6,015 (10%) for program support and administration.
- Similar to the FY 2020 CARES Act, CRRSAA funds will provide 100% of the Federal match of the anticipated funding and do not require any local match.
- City of Asheville Transportation Department staff will be working with Mountain Projects, Inc. on using the funds allocated to the agency and will submit an application to the FTA in the amount of $60,153 by April 30, 2021 for technical review and approval.
- City of Asheville Transportation Department staff is recommending approval of the FY 2021 CRRSAA Subrecipient and Suballocation Agreement to be executed between the City of Asheville and Mountain Projects, Inc.
- On March 16, 2021, the City of Asheville Transportation Department staff submitted the required Federal Split Letter to the FTA Region VI Office outlining the MPO-approved allocation of CRRSAA funds.

FBRMPO ALLOCATED FY2021 CRRSAA (SECTION 5310) FUNDS		
	PROPOSED DISTRIBUTION/ PERCENT	**ESTIMATED DISTRIBUTION/ AMOUNT**
City of Asheville	**10%**	**$6,015**
Mountain Projects, Inc.	**90%**	**$54,138**
	TOTAL	**$60,153**

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None.

Pro(s):
- CRRSAA funds will enable Mountain Projects, Inc. to use federal funds to help offset operational expenses incurred on or after January 20, 2020 in response to economic or other conditions caused by COVID-19.

Con(s):
- None.

Fiscal Impact:
- CRRSAA provides 100% of the funding with no local match required.

Motion:
- Motion to adopt a resolution authorizing the City Manager to apply for the FY 2021 CRRSAA (Section 5310) grant funds, and to sign all appropriate agreements with the FTA, Federal and State agencies, execute a subrecipient agreement with Mountain Projects, Inc., and a budget amendment in the Transit Multi-Year and Transit Operating Funds in the amount of $60,153 to budget the grant funds.

RESOLUTION BOOK NO. 42 - PAGE 168
ORDINANCE BOOK NO. 33 - PAGE 268

F. RESOLUTION NO. 21-68 - RESOLUTION APPROVING DONATIONS OF UNUSED AND UNCLAIMED SETTLEMENT FUNDS TO THE ASHEVILLE CITY SCHOOLS FOUNDATION AND COTHINKK, IN EQUAL AMOUNTS

Tracey Greene-Washington, representing CoThinkk, founder of Co-Thinkk, said that they led by African-American & Latinx leaders in Asheville and Western N.C. committed to using our time, talent, and treasure to address some of the most critical issues impacting communities of color. It is important that they are able to do three things - as a complimentary action, as CoThinkk is presented as one of two potential recipients that will receive a portion of proceeds from the recent settlement. The first is to ensure we create transparency regarding the process that allowed us to reach consensus with the City regarding the donation and our internal CoThinkk process. The second is to clarify the structure of CoThinkk, the amount and what it really costs to do structural change and racial equity work. And, is a calling in of fellow social change philanthropists to be at the table with us as we continue to evolve our collective work that is anchored in equity, liberatory practices, and innovation that will be needed for the future. They are humbled to receive this donation and know that intentional work to implement, do and facilitate structural change necessitates deep investment. She noted that she submitted a letter with all her comments to City Council.

RESOLUTION BOOK NO. 42 - PAGE 169

G. RESOLUTION NO. 21-69 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH BUNCOMBE COUNTY FOR REIMBURSEMENT OF ASSISTANCE WITH ADMINISTERING COVID-19 VACCINATIONS

Action Requested: Adoption of an interlocal agreement with Buncombe County for staffing and reimbursement at the mass COVID-19 vaccination site.

Background:

- To help Buncombe County administer COVID-19 vaccinations in a quicker, more efficient manner, the County recruited area-wide fire departments including the Asheville Fire Department and Harrah's Cherokee Center Asheville for staffing assistance of operations at the sites.
- During its time onsite, the Asheville Fire Department and Harrah's Cherokee Center Asheville staff help with appointment registration; administering vaccinations; patient observation education; traffic management; resource management; and logistics support.
- Buncombe County will reimburse the City at hours paid (regular or overtime) plus fringe benefits for all employees assisting in the operations of the County COVID vaccination and testing site
- The agreement ends in June 2021.

Vendor Outreach Efforts:

- Agreement is with Buncombe County

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Receiving reimbursement funds will reduce the impact this assignment has on the Asheville Fire Department and Harrah's Cherokee Center Asheville compensation and benefits budgets.
- Assisting Buncombe County with their COVID vaccination efforts allows for more vaccines to be administered during the time period set forth in the agreement than could be administered without the participation of the Asheville Fire Department and Harrah's Cherokee Center Asheville.
- The Asheville Fire Department continues its long relationship with working with Buncombe County to deliver public safety services.

Con(s):

- None Identified

Fiscal Impact:

- The fiscal impact will be neutral because Buncombe County will reimburse the City of Asheville all its compensation and benefits expenses.
- The reimbursements will be around $50,000 each month and will vary depending on actual staffing levels and compensation amounts.

Motion:

- Motion for a resolution for the City Council to authorize the City Manager to enter into an interlocal agreement with Buncombe County for assistance at COVID-19 vaccination and testing sites.

RESOLUTION BOOK NO. 42 - PAGE 170

H. MOTION TO REVISE THE FISCAL YEAR 2021-22 BUDGET CALENDAR TO INCLUDE A BUDGET WORKSESSION ON APRIL 27, 2021, AT 2:30 P.M.

I. RESOLUTION NO. 21-70 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDING FROM DOGWOOD HEALTH TRUST FOR THE OPERATION OF CODE PURPLE EMERGENCY SHELTER

Action(s) Requested: Adoption of a resolution to accept a grant from Dogwood Health Trust in the amount of $50,000 toward the City's $130,000 agreement with Western Carolina Rescue Ministries, Inc. to provide Code Purple Emergency Shelter

Background:

- Code Purple is a longstanding practice where homeless shelter providers exceed regular capacity and waive regular rules on nights when the temperature or windchill are at/below 32 degrees in order to ensure survival of people experiencing homelessness.
- Code Purple is a community-led initiative that has primarily been coordinated by agencies in the Homeless Coalition.
- COVID-19 has created many challenges for homeless service providers and therefore no emergency shelters were able to participate in Code Purple this winter at their facilities.
- Western Carolina Rescue Ministries, Inc. agreed to operate Code Purple in an off-site location.
- In order to meet these extraordinary circumstances, on December 1, 2020, the City of Asheville entered into an agreement with Western Carolina Rescue Ministries, Inc. to provide up to 50 Code Purple beds at First Congregational United Church of Christ (20 Oak Street) for the month of December.
- Funding for this first month of operations in the amount of $42,240 came from Coronavirus Relief Funding (CRF) previously approved by the City Council.

- To continue shelter operations, the City of Asheville entered into an agreement with Western Carolina Rescue Ministries, Inc. on January 1, 2021 for $80,000.
- Buncombe County agreed to provide $40,000 of funding to assist with those costs; the City funded the other $40,000 with previously budgeted affordable housing pay-go funding in the City's Capital Improvement Program (CIP).
- On February 23, 2021, City Council authorized an amendment to the agreement with Western Carolina Rescue Ministries, Inc. to add $50,000 to continue shelter operations.
- On February 23, 2021, Dogwood Health Trust awarded the City of Asheville $50,000 towards the cost of Code Purple Emergency Shelter.
- This resolution will accept those funds for that purpose.

Council Goal(s):
- A Well-Planned and Livable Community
- A Connected and Engaged Community
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Continues the essential operation of Code Purple
- Addresses public health and safety
- Demonstrates community ownership and willingness to partner to address the needs of the homeless

Con(s): None

Fiscal Impact:
- As noted above, Code Purple Emergency Shelter costs have previously been funded through a combination of Coronavirus Relief Funding, Buncombe County funds, and City of Asheville CIP funds.
- Accepting these grant funds will offset the City's allocation of CIP funds for this contract.

Motion(s):
- Motion to adopt a resolution accepting a grant from Dogwood Health Trust in the amount of $50,000 toward the City's $130,000 agreement with Western Carolina Rescue Ministries, Inc. to provide Code Purple Emergency Shelter

RESOLUTION BOOK NO. 42 - PAGE 171

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Kilgore and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. FINANCIAL AUDIT PRESENTATION

Internal Auditor Patricia Rosenberg, introduced Robbie Bittner, partner with PBMares LLP and representing RSM, who presented the financial results for the Year End June 30, 2020, outlining the performances of revenue and expenses, compliance issues they must review, and

the components of the Comprehensive Annual Financial Report. He noted that the City of Asheville has received an unmodified - "clean" (highest level of assurance). The only report on internal control over financial reporting and on compliance and other matters for Fiscal Year 20 is under material weaknesses - Year-End Closeout Procedures (repeat of Fiscal Year 2018 significant deficiency). He explained that year-end closeout procedures should be performed timely and accurately to facilitate the timely preparation of the financial statements to meet established North Carolina Local Government Commission requirements. In performing their audit, it was noted that the City of Asheville's Finance Department experienced significant delays in the year-end accounting and reporting process. In addition, basic footnote schedules were not prepared accurately or timely to facilitate the required reporting deadline. The auditor recommended the City establish and document effective policies and controls around the year-end closeout process to allow any person with the appropriate skills, knowledge, and experience to perform the year-end closeout procedures in an accurate and timely manner. Additionally, those procedures should include a review of year-end working papers by an additional person with the skills, knowledge and experience of financial reporting to ensure accuracy. He noted that management concurs with the finding. The City has hired a qualified full-time replacement for the Controller position and the Finance Director position has been filled. These positions will enable the Finance Department to incorporate additional levels of review throughout the year-end closeout process. In addition, the Finance Department intends on formalizing documented month and year-end closeout procedures prior to Fiscal Year 2021.

Finance Director Tony McDowell said that the audit finding was a material weakness related to year-end closeout. The cause was lack of documented policies and procedures around the year-end closeout process magnified by significant turnover in the Finance Department. He said that they have (1) now filled key Finance Department positions (a) Controller, Financial Reporting, Manager, and Finance Director; and (b) evaluated current vacancies to potentially bolster financial reporting; and (2) developed checklists and guidelines for year-end closeout by June 30, 2021 by (a) working with PBMares; and (b) exploring contract with outside firm. This will not impact our bond rating or financial standing.

B. MANAGER'S REPORT

City Manager Campbell said that this is basically a summary of the March 31 - April 1, 2021, retreat. She said that in January of 2016, City Council created a 20-year vision for the City. The Vision Statement is "Asheville is a great place to live because we care about people, we invest in our city, and we celebrate our national and cultural heritage. Our city is for everyone. Our urban environment and locally-based economy support workers, entrepreneurs and business owners, families and tourists, and people of all ages. Cultural diversity and social and economic equity are evident in all that we do. Our neighborhoods are strong, participation in civic life is widespread, and collaborative partnerships are the foundation of our success." This Council vision reflects Asheville's unique character and the aspirations for the community. Council used the vision as a guide when developing policies and priorities. The strategic vision included 8 core themes - equity and diverse community; transportation and accessibility; thriving local economy; connected and engaged community; well-planned and livable community; clean and healthy environment; quality, affordable housing; and financially resilient city. City Council then adopted 13 priorities to move their vision forward. Those 13 Council priorities consist of (1) implement Transit Master Plan; (2) affordable housing development; (3) partner with Asheville City Schools through the Equity Collaborative; (4) amend the Unified Development Ordinance; (5) develop a business inclusion program; (6) review and update the Comprehensive Housing Affordability Strategy; (7) forster economic mobility; (8) reduce municipal carbon footprint by 4% per year; (9) partner with Buncombe County Tourism Development Authority to develop a capital investment plan; (10) dedicated revenue for transit; (11) develop new tax revenue; (12) complete corridor studies; and (13) maintenance, new construction and operational needs.

City Manager Campbell then went through each of the 13 priorities and highlighted some of the accomplishments associated with the priority. Assistant City Manager Cathy Ball then updated City Council on the goals regarding homelessness, our current situation, short-term solutions and long-term solutions. A companion document is available on the updates on the accomplishments towards the 13 priorities.

On March 31, 2021, from City Council's retreat, she explained the 2021-22 Council priorities of reparations; employee compensation study; reimaging public safety; and COVID relief spending and investment/prioritizing recovery funding. We will be spending a lot of our energy on these four items during the next year.

In response to Councilwoman Roney, Assistant City Manager Cathy Ball said that we do not know how many people have chosen the option of temporary shelter. We provide the homeless information about the location (downtown area where food and other resources are available to them) and the number of beds that are available, but we do not know what the choice was made by that individual. Mayor Manheimer noted that when they met with Homeward Bound, they made it clear that there is capacity at the shelter options. City Manager Campbell noted that we don't have all the solutions to the homelessness issue, but we do know that we have to keep the homeless and people in the surrounding neighborhoods safe. The community is working hard on this issue but we need a lot more resources to provide other types of shelters, like low-barrier shelters. We know that is a missing link in our chain.

Councilwoman Roney said that we have a reputation of being progressive, welcoming and an inclusive place and we are even marketed as such. We also have such visible disparities because we have abundant resources. We are in Appalachia which has a rich history of taking care of each other. She is embarrassed that the City is evicting people in the name of safety. She also added that if any partners or compassionate neighbors who have ideas for solutions and want to participate in this with the City, she hoped they will reach out.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 21-71 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN AMENDMENT TO THE CITY'S 2020-21 ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE HOME INVESTMENT PARTNERSHIP PROGRAMS TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

ORDINANCE NO. 4367 (14867) - BUDGET AMENDMENT TO INCREASE THE AMOUNT OF THE FISCAL YEAR 2020-21 COMMUNITY DEVELOPMENT BLOCK GRANT FUND BUDGET TO INCLUDE $1.6 MILLION FROM THE SALE OF CITY-OWNED LAND ORIGINALLY PURCHASED THROUGH THE URBAN RENEWAL PROGRAM IN THE 1970S

Mayor Manheimer said that this public hearing was held on March 23, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

At Mayor Manheimer's request to provide some summary information, Community Development Program Director Paul D'Angelo said that the Community & Economic Development Department is seeking authorization for the City Manager to submit an amendment

to the 2020-21 HUD Annual Action Plan to the U.S. Dept. of Housing & Urban Development authorizing the $1.6 Million in Community Development Block Grant Program Income from the sale of Charlotte Street to be used to purchase 65 Ford Street. He then gave a brief summary of the CDBG Funding (1) The City of Asheville receives approximately $1M in our HUD CDBG Annual Allocation for our Community Partners; (2) The City can't have more than $1.5M (1.5x Spend Rate) on May 1st - Timeliness Test - to comply with HUD that we are spending these dollars in the community in a timely manner; (3) The City currently has approximately $2M in our Total Line of Credit; with the $1.6M in CDBG Program Income from the sale of Charlotte Street, our balance is $3.6M; and (4) We need to spend $2.1M by May 1st - $1.5M for the purchase of 65 Ford St. and $600,000 on our subrecipients already under contract - to pass the Timeliness Test.

He gave a summary of the Timeliness Test is (1) City Staff have discussed this $1.6M in CDBG Program Income since Late Fall 2019 because of the large dollar amount & the HUD Timeliness Test; (2) The original plan was to close on the Charlotte St. sale after May 1st, 2020, to provide more time and hence more options on how we could spend these dollars; and (3) With COVID and normal real estate delays, the City did not receive the $1.6M in proceeds until late December 2020 / early January 2021 and immediately began communicating with City Management about spend options, now very limited with the timeliness test.

Mr. D'Angelo then gave a summary of why the purchase of 65 Ford Street (1) The purchase of 65 Ford Street was far enough along in the process with Council approval, due diligence and HUD Environmental to be able to close with this funding on or around April 23, 2021; (2) The purchase is a strategic use of these funds as this purchase meets a national CDBG objective, is an eligible activity, follows a High Priority in the HUD Consolidated Plan, is timely and keeps us HUD Compliant; and (3) HUD has a longstanding policy of reducing the next year's grant allocation of a grantee that continues to be untimely and may take corrective actions as needed to remedy the deficiency including sanctions.

Staff recommends the purchase of 65 Ford Street site and use of Community Development Block Grant funds for the following reasons: (1) This $1.5M purchase of 65 Ford Street invests CDBG PI back into the community with the intent of the land being used for affordable housing, including homeownership; (2) This land purchase is an eligible use of CDBG PI, is timely to remain HUD compliant and frees up Affordable Housing Bond dollars that are less restrictive than HUD dollars; and (3) These funds were accounted for in the FY 20/21 HUD Annual Action Plan and staff has been working in tandem with HUD for guidance on this PI and diligently to move this funding into the community and pass the Timeliness Test.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and budget amendment and they would not be read.

Councilwoman Roney said we have an obligation to invest in Deaverview with Deaverview and we have an obligation to address the harms of urban renewal and red lining with the neighbors, especially the Black community impacted by urban renewal and red lining. We can't continue harm and displacement by pushing people to the outskirts and outside of access to infrastructure and visibility and outside of the City School System. She understands and hears the complex situation we are in, but this conversation is not over yet because we still have resources to address and we still have issues at hand that are overlapping. She has heard the request for the Asheville-Buncombe County Land Trust to be at the table with us as we continue these conversations. Because of their partnership with us and because guaranteed permanent affordable housing is part of their mission, she would support these actions.

Vice-Mayor Smith said that in order to meet the Timeliness Test and since we have limited options, she would support these actions.

Councilwoman Kilgore moved to adopt the resolution authorizing submission of an amendment to the City's Annual Action Plan for 2020-2021 to the U.S. Department of Housing and Urban Development (HUD) and authorizing the City Manager to sign all necessary documents. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 172

Councilwoman Kilgore moved to and a budget amendment to increase the amount of the FY 2020-21 CDBG Fund budget to include $1.6M from the sale of city-owned land originally purchased through the Urban Renewal program in the 1970s and approval to use these funds to purchase the 65 Ford Street property. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 269

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-72 - RESOLUTION APPROVING THE LOAN MODIFICATION REQUESTED BY MOUNTAIN HOUSING OPPORTUNITIES TO ALLOW THEM TO MAINTAIN AFFORDABLE HOUSING CONDITIONS AT 61, 63, 65 AND 67 ANNANDALE AVENUE, 6 TRINITY CHAPEL AND 280 MERRIMON AVENUE

Community Development Program Director Paul D'Angelo said that this is the consideration of approving a Mountain Housing Opportunities (MHO) request to extend the maturity dates of a total of five City of Asheville Rental Rehab for Owners and Tenants/ Community Development Block Grant (CARROT/CDBG) loans valued at $683,028 and eliminate yearly interest payments in exchange for an additional 20-year affordability period and rent restrictions raised to 60% AMI from 50% AMI.

Background:

- From the early 1990s to the mid-2000s, MHO was committed to developing smaller, scattered site rental housing for some of the most low income households in Asheville.
- Utilizing Section 108 and CDBG loans from the City of Asheville, MHO acquired and renovated six older properties that created 22 affordable units.
- MHO primarily used the Section 108 funded CARROT (City of Asheville Rental Rehabilitation for Owners and Tenants) loan program which provided low interest rates for investors of affordable housing.
- Each of these loans will become due over the next four years.
- Between May 4, 2000 and March 15, 2004, the City of Asheville extended five (5) loans to MHO for the properties listed below:

Project	Units	Original Principal Balance	Anticipated Balance on 7/31/2021	Yearly Interest	Maturity Date	Affordability Period Extension	Source
61-63 Annandale	6	$212,450	$187,104.84	5.3%	5/1/2021	5/1/2041	CARROT
65-67 Annandale	7	$231,000	$218,204.29	5.3%	5/1/2021	5/1/2041	CARROT

65-67 Annandale	7*	$31,500	$31,500.00	0%*	5/1/2021	5/1/2041	CDBG
6 Trinity Chapel	1	$33,000	$23,631.10	3%	10/1/2023	10/1/2043	CARROT
280 Merrimon	8	$250,000	$222,884.86	2%	3/1/2025	3/1/2045	CARROT

*This loan does not have an interest rate. 65-67 Annandale utilized both a CDBG and CARROT loan. This is represented as two entries due to two loans on the same unit. These units should not be counted twice when tallying total units

- MHO has found that operating cash from older renovated properties is not sufficient to pay debt service and build replacement reserves for future capital needs due to the high maintenance costs associated with the age of the buildings.
- The properties currently operate at a break-even level.
- Per MHO, the pandemic has exacerbated this issue due to some tenants inability to pay rent.
- Deferring the debt will allow MHO to build the necessary reserves to maintain these aging properties.
- The Community Development Division attempts to work with our development partners who wish to extend their affordability periods, add additional affordable units, etc.
- If rents are raised to 60% AMI, this would apply only to new and future tenants. Existing tenants would not be affected by the increase in AMI.

Council Goal(s):
- Quality Affordable Housing

Committee(s):
- Housing & Community Development (HCD) - March 16, 2021 - Approved unanimously.

Pro(s):
- By approving MHO's request, affordable units are preserved for an additional 20 years while also protecting future program income that may result from the sale of a property or if units are no longer affordable.
- Units accept vouchers.

Con(s):
- The City will no longer earn approximately $25,000 annual interest on these loans.
- The interest is received as program income for Community Development Block Grant funding.

Fiscal Impact:
- No effect on the general fund.
- The loans were made using federal funding sources.
- When funds are returned to the City, funds would be reprogrammed for similar purposes.
- A balloon payment will be due at each of the new maturity dates.
- Each of these loans will be set up as no interest and no monthly payments.

Mayor Manheimer announced that there were no advanced live call-ins for this item.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mosley moved to approve Mountain Housing Opportunities' request to extend the maturity dates of a total of five CARROT/CDBG loans valued at $683,028 and eliminate yearly interest payments in exchange for an additional 20-year affordability period and

rent restrictions raised to 60% AMI. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 175

B. BOARDS & COMMISSIONS

RESOLUTION NO. 21-73 - RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Audit Committee.

The terms of Amy Kemp (CPA seat) and Gail Miller expire on May 1, 2021.

The following individuals applied for the vacancies: Travis Keever, Tim Kelley and Andrew Emory.

The Boards & Commissions Committee recommended reappointing Amy Kemp (CPA seat) and appointing Andrew Emory to the Audit Committee.

Vice-Mayor Smith moved to reappoint Amy Kemp (CPA seat) and appoint Andrew Emory as members of the Audit Committee, to each serve a three-year term respectively, terms to expire May 1, 2024, or until their successors have been appointed. This motion was seconded by Councilwoman Kilgore and carried on a 6-1 roll call vote, with Councilwoman Wisler voting "no."

RESOLUTION BOOK NO. 42 – PAGE 177

RESOLUTION NO. 21-74 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing an Alternate member to the Board of Adjustment.

Due to a discrepancy between the Unified Development Ordinance and Session Laws, City Council should appoint another Alternate member. (Buncombe County now appoints only one Regular and one Alternate member - not two Alternate members).

The following individual applied for the vacancy: Wendy Tabb.

The Boards & Commissions Committee recommended appointing Wendy Tabb..

Vice-Mayor Smith moved to appoint Wendy Tabb as an Alternate member to the Board of Adjustment, to serve a three-year term, term to expire January 21, 2024, or until Wendy Tabb's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 178

RESOLUTION NO. 21-75 - RESOLUTION APPOINTING MEMBERS TO THE MOUNTAIN COMMUNITY CAPITAL FUND OPERATING COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Mountain Community Capital Fund Operating Committee.

The terms of Dee Williams and Lynn Smith, as members of the Mountain Community Capital Fund, expired on April 1, 2021.

The following individuals applied for the vacancies: Gilbert Amengual, Carl E. Alguire and Dane Barrager.

The Boards & Commissions Committee recommended reappointing Dee Williams and Lynn Smith.

Vice-Mayor Smith moved to reappoint Dee Williams and Lynn Smith as members to the Mountain Community Capital Fund Operating Committee, to serve an additional two-term respectively, terms to expire April 1, 2023, or until their successors have been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 179

RESOLUTION NO. 21-76 - RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Public Art & Cultural Commission.

Due to the resignation of Valeria Watson, there currently exists a vacancy on the Public Art & Cultural Commission until June 30, 2023.

The following individuals applied for the vacancy: Nathaniel Wyrick, Christina O'Donnell, Hilary Chiz, Michael G. Waddle, D. Rae Geoffrey, Robin Ellege, Rodney Moore, Marie West, Tarek Inkidar, Wayne Wheeler, Mark Wilson, Bridget McFarthing, Robert Milnes, Reggie Tidwell, Claire Changery, John Moriarty, Leslie Shaw, Erin Clare, Shirley Whitesides and Whitney Richardson.

The Boards & Commissions Committee recommended appointing Shirley Whitesides.

Vice-Mayor Smith moved to appoint Shirley Whitesides as a member to the Public Art & Cultural Commission, to serve the unexpired term of Valeria Watson, term to expire June 30, 2023, or until Shirley Whitesides's successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 180

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 8 individuals spoke to Council, including, but not limited to the following comments: urge eviction moratorium and stop the destruction of homeless camps; defund the Asheville Police Department; and have patience for the hiring of the Equity & Inclusion Director.

PRIMARY ELECTION RESULTS - CITY OF ASHEVILLE - MARCH 3 , 2020; GENERAL ELECTION RESULTS - CITY OF ASHEVILLE - NOVEMBER 3, 2020

Attached hereto as Exhibit "A" is the portion of the abstract containing the number of legal votes in the Primary Election, City of Asheville, held on March 3, 2020. Also attached as Exhibit "B" is the portion of the abstract containing the number of legal votes cast in the General Election, City of Asheville, held on November 3, 2020.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:49 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Exhibit A 221

2020 PRIMARY ELECTION
03/03/2020
ABSTRACT OF VOTES
FOR
BUNCOMBE COUNTY, NORTH CAROLINA

INSTRUCTIONS
The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the clerk of superior court for the county and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163A-1173)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 13th day of March, 2020.

Board Chair

Board Secretary

Board Member

Board Member

Board Member

This day personally appeared before me, JACK QUINN, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 13th day of March, 2020.

Official Signature of Notary Public

CORINNE M DUNCAN
Printed/Typed Name of Notary Public

My Commission Expires: MAY 1 2022

CORINNE M DUNCAN
Notary Public
Buncombe
County
NORTH CAROLINA

(Seal)

222

SUPPLEMENTAL ABSENTEE ABSTRACT

Election Date: March 03, 2020
Election Description: 03/03/2020 PRIMARY

We the undersigned board chair and board members of the BUNCOMBE County Board of Elections, do hereby certify that the results of the counting of the Supplemental Absentee Ballots is correctly entered on this Abstract and that the absentee voting recorded herein for each Candidate and/or proposition **shall be entered on each Official Abstract following the Canvass on 03/13/2020 as a separate item titled ABSENTEE VOTES.**

Board Chair

Board Secretary

Board Member

Board Member

Board Member

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my notary seal, this 13 day of MARCH, 2020

Notary Public CORINNE M. DUNCAN

My commission expires MAY 1, 2022

CORINNE M DUNCAN Notary Public Buncombe County NORTH CAROLINA

ABSENTEE ABSTRACT

Election Date: March 03, 2020
Election Description: 03/03/2020 PRIMARY

We the undersigned board chair and board members of the BUNCOMBE County Board of Elections, do hereby certify that the results of the counting of the Absentee Ballots is correctly entered on this Abstract and that the absentee voting recorded herein for each Candidate and/or proposition **shall be entered on each Official Abstract following the Canvass on 03/13/2020 as a separate item titled ABSENTEE VOTES.**

Board Chair

Board Secretary

Board Member

Board Member

Board Member

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my notary seal, this 3 day of March, 2020

Notary Public

My commission expires 6/29/24

	0026_CITY OF ASHEVILLE CITY COUNCIL CITY OF ASHEVILLE											
	Larry Ray Baker	Tim Collins	Kristen Goldsmith	Sandra Kilgore	Rich Lee	Shane McCarthy	Kim Roney	Nicole Townsend	Sage Turner	Keith Young	OVER VOTES	UNDER VOTES
01.1	11	26	104	179	110	136	156	142	169	238	6	394
02.1	19	33	243	267	289	121	348	341	360	341	3	689
03.1	16	32	243	163	227	57	330	263	282	230	0	470
04.1	16	27	124	133	183	52	135	132	206	162	0	357
05.1	41	47	153	216	301	69	166	146	340	236	0	562
06.1	23	38	91	113	166	41	89	105	156	190	0	431
07.1	13	21	136	163	257	69	265	210	249	243	0	342
08.2	43	31	108	208	113	56	153	178	144	239	3	455
08.3	21	27	101	188	115	52	132	135	125	200	0	431
09.1	68	75	371	216	302	117	271	297	292	325	0	795
10.1	10	29	65	225	81	22	126	134	87	192	0	223
11.1	13	16	83	121	93	34	132	123	109	113	0	267
12.1	28	30	192	149	249	63	397	317	289	235	0	520
13.1	27	32	151	130	153	64	301	240	220	198	0	431
14.2	20	33	123	131	118	48	277	228	205	147	0	368
14.3	10	33	80	88	56	38	98	115	84	70	3	264
15.1	27	40	205	119	152	56	332	219	280	180	3	406
16.2	36	48	170	123	175	65	368	289	297	193	0	555
17.1	26	37	127	156	205	55	136	122	243	193	0	434
18.2	88	89	221	355	284	125	152	204	344	240	0	820
19.1	18	36	63	80	72	39	49	77	93	62	0	233
20.1	13	20	69	85	83	38	77	74	103	77	3	153
21.1	41	49	148	196	362	77	179	192	244	270	0	621
22.2	35	34	176	182	269	69	148	166	276	228	3	493
23.2	1	3	8	15	8	1	5	8	8	8	0	22
23.3	24	36	71	107	121	43	65	55	138	104	0	190
24.1	42	66	154	147	103	92	138	141	201	154	0	268
25.1	48	70	144	149	176	74	117	113	182	197	3	521
26.1	25	26	108	89	115	56	179	139	150	170	0	416
28.1	30	40	143	125	142	67	219	190	217	154	0	542
29.2	59	91	157	267	201	78	100	151	240	216	0	591
43.2	0	0	1	1	0	0	2	3	4	1	0	3
44.1	29	32	51	44	43	25	42	49	59	63	0	199
45.1	1	1	1	4	0	1	4	4	2	2	0	16
46.1	0	0	0	0	0	0	0	0	0	0	0	0
54.2	6	8	13	24	6	11	8	12	9	16	0	55
55.1	0	4	1	9	5	3	3	2	3	12	0	27
62.1	7	6	20	18	9	9	16	19	15	20	0	50

13/13/20 10:59 AM Nonpartisan Buncombe County Primary Election 03/03/20

	0026_CITY OF ASHEVILLE CITY COUNCIL CITY OF ASHEVILLE											
	Larry Ray Baker	Tim Collins	Kristen Goldsmith	Sandra Kilgore	Rich Lee	Shane McCarthy	Kim Roney	Nicole Townsend	Sage Turner	Keith Young	OVER VOTES	UNDER VOTES
70.1	1	0	0	2	0	0	0	1	2	4	0	14
71.1	0	2	0	10	7	4	2	2	7	5	0	18
ONESTOP-AVML	131	212	723	790	904	338	810	856	1053	911	3	1819
ONESTOP-BMBL	9	9	23	20	26	13	37	34	36	40	0	110
ONESTOP-COXE	43	65	376	500	563	194	654	528	782	639	0	861
ONESTOP-ECBL	74	89	158	172	177	94	165	175	220	229	0	385
ONESTOP-FVBL	12	13	28	26	37	17	33	33	33	38	0	102
ONESTOP-LCBL	4	14	13	13	10	4	17	10	18	16	0	37
ONESTOP-NABL	106	153	1052	976	1397	376	1034	923	1628	1467	9	2066
ONESTOP-SBBL	154	205	651	927	839	302	373	483	967	919	9	1572
ONESTOP-WVTH	3	3	11	19	27	6	21	16	29	26	0	43
ONESTOP-WABL	120	171	970	637	993	375	1660	1264	1375	1160	12	1754
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	1592	2202	8424	9077	10324	3746	10521	9660	12575	11373	60	22395

March 03, 2020 Primary Election Results by Contest

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisiona
NC COMMISSIONER OF LABOR - REP	Pearl Burris-Floyd	REP	3,639	2,062	1,514	57	9
NC SECRETARY OF STATE - REP	E.C. Sykes	REP	4,593	2,835	1,677	74	10
	Chad Brown	REP	7,172	4,221	2,848	78	25
	Michael LaPaglia	REP	4,898	2,695	1,910	79	14
NC SUPERINTENDENT OF PUBLIC INSTRUCTION - DEM	Keith A. Sutton	DEM	10,737	5,369	5,157	183	28
	James Barrett	DEM	3,244	1,714	1,456	65	9
	Constance (Lav) Johnson	DEM	8,129	4,156	3,792	149	32
	Michael Maher	DEM	4,111	1,878	2,116	108	9
	Jen Mangrum	DEM	26,350	12,473	13,331	484	62
NC SUPERINTENDENT OF PUBLIC INSTRUCTION - REP	Catherine Truitt	REP	9,437	5,341	3,932	134	30
	Craig Horn	REP	7,141	4,320	2,710	94	17
NC TREASURER - DEM	Dimple Ajmera	DEM	21,427	10,415	10,562	371	79
	Ronnie Chatterji	DEM	16,903	7,675	8,818	382	28
	Matt Leatherman	DEM	12,159	6,295	5,611	227	26
NC STATE SENATE DISTRICT 48 - DEM	Najah Underwood	DEM	1,456	787	647	16	6
	Brian Caskey	DEM	3,610	1,591	1,926	87	6
	Cristal Figueroa	DEM	2,944	1,399	1,488	51	6
NC STATE SENATE DISTRICT 49 - DEM	Ben Scales	DEM	8,856	4,755	3,927	148	26
	Travis Smith	DEM	6,588	3,119	3,328	126	15
	Julie Mayfield	DEM	32,120	15,509	15,937	593	81
BUNCOMBE COUNTY BOARD OF COMMISSIONERS DISTRICT 01 - DEM	Terri Wells	DEM	12,610	5,940	6,449	196	25
	Nancy Nehls Nelson	DEM	6,286	2,741	3,414	117	14
BUNCOMBE COUNTY BOARD OF COMMISSIONERS DISTRICT 02 - REP	Anthony Penland	REP	4,257	2,584	1,613	53	7
	Mike Fryar	REP	1,478	928	527	19	4
BUNCOMBE COUNTY BOARD OF COMMISSIONERS DISTRICT 03 - DEM	Parker Sloan	DEM	9,722	4,718	4,811	175	18
	Donna Ensley	DEM	8,277	4,100	3,973	186	18
CITY OF ASHEVILLE CITY COUNCIL -	Larry Ray Baker		1,592	873	656	53	10
	Tim Collins		2,202	1,213	934	42	13
	Kristen Goldsmith		8,424	4,178	4,005	211	30
	Sandra Kilgore		9,077	4,711	4,080	248	38
	Rich Lee		10,324	5,078	4,973	249	24
	Shane McCarthy		3,746	1,918	1,719	98	11

[redacted] [redacted] [redacted]

226

March 03, 2020 Primary Election Results by Contest

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisiona
CITY OF ASHEVILLE CITY COUNCIL	Kim Roney		10,521	5,519	4,804	156	4
	Nicole Townsend		9,660	5,111	4,322	187	4
	Sage Turner		12,575	6,113	6,141	276	4
	Keith Young		11,373	5,654	5,445	230	4

Lee 337

228

Exhibit B

2020 GENERAL ELECTION
11/03/2020
ABSTRACT OF VOTES
FOR
BUNCOMBE COUNTY, NORTH CAROLINA

INSTRUCTIONS
The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the clerk of superior court for the county and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163-182.6)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 13th day of November, 2020.

Board Member

Board Chair

Board Member

Board Secretary

Board Member

This day personally appeared before me, JAKE QUINN, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 13th day of November, 2020.

Official Signature of Notary Public

CORINNE M DUNCAN
Printed/Typed Name of Notary Public

My Commission Expires: 1 MAR 22

CORINNE M DUNCAN
Notary Public
Buncombe
County (Seal)
1 MAR 22
NORTH CAROLINA

ABSENTEE ABSTRACT

Election Date: November 03. 2020
Election Description: 11/03/2020 GENERAL

(Totals to be added to official Abstracts on Canvass Day)

We the undersigned board chair and board members of the BUNCOMBE County Board of Elections, do hereby certify that we met at the time specified in G.S. 163A-1173 and did count the Absentee Ballots returned to the Board no later than 5:00 PM on 11/2/2020, and do further certify that the following is a true and correct tabulation of said Absentee Ballots, the same **TO BE ADDED TO THE OFFICIAL ABSTRACTS ON CANVASS DAY**, by the undersigned:

Contest		Absentee Votes
US PRESIDENT		
Donald J. Trump	REP	50,218
Joseph R. Biden	DEM	88,800
Don Blankenship	CST	176
Howie Hawkins	GRE	387
Jo Jorgensen	LIB	1,036
US SENATE		
Thom Tillis	REP	49,206
Shannon W. Bray	LIB	3865
Cal Cunningham	DEM	85,398
Kevin E. Hayes	CST	1,236
US HOUSE OF REPRESENTATIVES DISTRICT 11		
Tamara Zwinak	GRE	1,872
Madison Cawthorn	REP	48,993
Moe Davis	DEM	85,595
Tracey DeBruhl	LIB	2,593
NC GOVERNOR		
Al Pisano	CST	452
Roy Cooper	DEM	91,052
Steven J. DiFiore	LIB	1,640
Dan Forest	REP	46,922
NC LIEUTENANT GOVERNOR		
Mark Robinson	REP	51,468
Yvonne Lewis Holley	DEM	86,970
NC ATTORNEY GENERAL		
Jim O'Neill	REP	49,703
Josh Stein	DEM	88,367

230

ABSENTEE ABSTRACT

Election Date: November 03, 2020
Election Description: 11/03/2020 GENERAL

Contest	Absentee Votes (con't)
CITY OF ASHEVILLE CITY COUNCIL	
Sandra Kilgore	23,610
Rich Lee	17,788
Kim Roney	20,832
Nicole Townsend	11,679
Sage Turner	22,888
Keith Young	19,906
TOWN OF BILTMORE FOREST MAYOR	
George F. Goosmann III	580
TOWN OF BILTMORE FOREST COMMISSIONER	
Fran Cogburn	522
E. Glenn Kelly	486
Doris P. Loomis	504
TOWN OF BLACK MOUNTAIN ALDERMAN	
Doug Hay	2,227
Tonia Holderman	1,334
Pam King	2,291
Archie Pertiller, Jr.	2,267
Charles (Mike) Sobol	1600
Matthew Turner	897
Justyn L. Whitson	241
Jennifer Willet	1,613
TOWN OF MONTREAT MAYOR	
Tim Helms	308
TOWN OF MONTREAT COMMISSIONER	
Jane Alexander	304
Katheryn (Kitty) Fouche	267

231

SUPPLEMENTAL ABSENTEE ABSTRACT

Election Date: November 03, 2020
Election Description: 11/03/2020 GENERAL

(Totals to be added to official Abstracts on Canvass Day)

We the undersigned board chair and board members of the BUNCOMBE County Board of Elections, do hereby certify that we met at the time specified in G.S. 163A-1173 and did count the Absentee Ballots returned to the Board pursuant to G.S. § 231(b)(ii) or (iii), and do further certify that the following is a true and correct tabulation of said Absentee Ballots, the same **TO BE ADDED TO THE OFFICIAL ABSTRACTS ON CANVASS DAY**, by the undersigned:

Contest		Absentee Votes
US PRESIDENT		
Donald J. Trump	REP	270
Joseph R. Biden	DEM	502
Don Blankenship	CST	1
Howie Hawkins	GRE	11
Jo Jorgensen	LIB	32
US SENATE		
Thom Tillis	REP	257
Shannon W. Bray	LIB	61
Cal Cunningham	DEM	461
Kevin E. Hayes	CST	14
US HOUSE OF REPRESENTATIVES DISTRICT 11		
Tamara Zwinak	GRE	35
Madison Cawthorn	REP	257
Moe Davis	DEM	465
Tracey DeBruhl	LIB	26
NC GOVERNOR		
Al Pisano	CST	7
Roy Cooper	DEM	514
Steven J. DiFiore	LIB	41
Dan Forest	REP	231
NC LIEUTENANT GOVERNOR		
Mark Robinson	REP	287
Yvonne Lewis Holley	DEM	472
NC ATTORNEY GENERAL		
Jim O'Neill	REP	253
Josh Stein	DEM	494

232

SUPPLEMENTAL ABSENTEE ABSTRACT

Election Date: November 03, 2020
Election Description: 11/03/2020 GENERAL

Contest	Absentee Votes (con't)
CITY OF ASHEVILLE CITY COUNCIL	
Sandra Kilgore	122
Rich Lee	83
Kim Roney	107
Nicole Townsend	54
Sage Turner	107
Keith Young	92
TOWN OF BILTMORE FOREST MAYOR	
George F. Goosmann III	10
TOWN OF BILTMORE FOREST COMMISSIONER	
Fran Cogburn	9
E. Glenn Kelly	8
Doris P. Loomis	8
TOWN OF BLACK MOUNTAIN ALDERMAN	
Doug Hay	11
Tonia Holderman	7
Pam King	11
Archie Pertiller, Jr.	9
Charles (Mike) Sobol	8
Matthew Turner	7
Justyn L. Whitson	2
Jennifer Willet	14
TOWN OF MONTREAT MAYOR	
Tim Helms	4
TOWN OF MONTREAT COMMISSIONER	
Jane Alexander	4
Katheryn (Kitty) Fouche	3

SUPPLEMENTAL ABSENTEE ABSTRACT

Election Date: November 03, 2020
Election Description: 11/03/2020 GENERAL

We the undersigned board chair and board members of the BUNCOMBE County Board of Elections, do hereby certify that the results of the counting of the Supplemental Absentee Ballots is correctly entered on this Abstract and that the absentee voting recorded herein for each Candidate and/or proposition **shall be entered on each Official Abstract following the Canvass on 11/13/2020 as a separate item titled ABSENTEE VOTES.**

Board Chair

Board Secretary

Board Member

Board Member

Board Member

CORINNE M DUNCAN
Notary Public
Buncombe
County
NORTH CAROLINA
1 MAY 22

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my notary seal, this 9 day of NOV, 2020

Notary Public

My commission expires 1 MAY 22

234

SUPPLEMENTAL ABSENTEE ABSTRACT

Election Date: November 03, 2020
Election Description: 11/03/2020 GENERAL

Contest	Absentee Votes (con't)
CITY OF ASHEVILLE CITY COUNCIL	
Sandra Kilgore	13
Rich Lee	7
Kim Roney	10
Nicole Townsend	6
Sage Turner	9
Keith Young	10
TOWN OF BILTMORE FOREST MAYOR	
George F. Goosmann III	Ø
TOWN OF BILTMORE FOREST COMMISSIONER	
Fran Cogburn	Ø
E. Glenn Kelly	Ø
Doris P. Loomis	Ø
TOWN OF BLACK MOUNTAIN ALDERMAN	
Doug Hay	1
Tonia Holderman	Ø
Pam King	1
Archie Pertiller, Jr.	Ø
Charles (Mike) Sobol	Ø
Matthew Turner	Ø
Justyn L. Whitson	Ø
Jennifer Willet	Ø
TOWN OF MONTREAT MAYOR	
Tim Helms	Ø
TOWN OF MONTREAT COMMISSIONER	
Jane Alexander	Ø
Katheryn (Kitty) Fouche	Ø

CIVILIAN CERTIFICATE OF OATH
(CIVILIAN)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, JAKE QUINN, Chair of the BUNCOMBE COUNTY BOARD OF ELECTIONS, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the 3rd day of November, 2020, which have been approved by the County Board of Elections and which have been returned no later than 5:00 p.m. on the day before the election. I certify that the chair, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter by mail or by commercial courier service or in person, except as provided by law, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the 3RD day of NOVEMBER, 2020.

(Signature of Chair of County Board of Elections)

Sworn to and subscribed before me this 3 day of NOV, 2020.

CORINNE M DUNCAN
Notary Public
Buncombe
County
NORTH CAROLINA
MAY 1,22

Witness my hand and official seal.

(Signature of Officer Administering Oath)

NOTARY PUBLIC

(Title of Officer)

NCSBOE ABS CIV CERT
2015.06

236

CERTIFICATE OF EXECUTED ABSENTEE BALLOTS
(MILITARY AND OVERSEAS CITIZENS)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, JAKE QUINN, Chair of the BUNCOMBE COUNTY BOARD OF ELECTIONS, do hereby certify that the foregoing is a list of all executed military-overseas ballots to be voted in the election to be conducted on the 3rd day of November, 2020, which have been approved by the county board of elections. I further certify that I have *issued* military-overseas ballots to no other persons than those listed herein and further that I have not *delivered* military-overseas ballots to persons other than those listed herein; that this list constitutes the only precinct registration of covered voters whose registration may be permanent or temporary as provided by law.

This the 3RD day of NOVEMBER, 2020.

(Signature of Chair of County Board of Elections)

Sworn to and subscribed before me this 3 day of NOV, 2020.

CORINNE M DUNCAN
Notary Public
Buncombe
County
NORTH CAROLINA
MAY 1, 22

Witness my hand and official seal.

(Signature of Officer Administering Oath)

NOTARY PUBLIC

(Title of Officer)

NCSBOE UOCAVA ABS CERT
2013.09

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
BUNCOMBE COUNTY BOARD OF COMMISSIONERS DISTRICT 01	Glenda P. Weinert	REP	20,867	3,394	15,417	2,004	52
	Terri Wells	DEM	31,506	2,127	19,914	9,431	34
BUNCOMBE COUNTY BOARD OF COMMISSIONERS DISTRICT 02	Anthony Penland	REP	20,399	4,104	13,935	2,316	44
	Jasmine Beach-Ferrara	DEM	30,113	2,388	19,106	8,640	29
BUNCOMBE COUNTY BOARD OF COMMISSIONERS DISTRICT 03	Parker Sloan	DEM	31,176	2,537	18,971	9,641	27
	Joe Belcher	REP	22,088	4,053	15,265	2,735	35
BUNCOMBE COUNTY REGISTER OF DEEDS	Drew Reisinger	DEM	111,001	10,773	69,768	30,318	142
BUNCOMBE SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR	Aaron Sarver (Write-In)		15	1	0	14	0
	Alan Ditmore		27,858	3,763	18,066	5,984	45
	Anthony Penland (Write-In)		5	2	3	0	0
	Gary Higgins		87,495	9,327	56,507	21,544	117
	Elise Israel (Write-In)		13	1	3	9	0
	William Hamilton (Write-In)		34	1	6	27	0
	Timothy Henderson (Write-In)		8	1	3	4	0
BUNCOMBE COUNTY SCHOOLS BOARD OF EDUCATION AT-LARGE	Amanda Simpkins		67,802	6,949	43,262	17,495	96
	Andrew Shelton (Write-In)		6	0	3	3	0
	Kevin Dodson (Write-In)		9	1	8	0	0
	Mark Watman		34,182	5,767	23,848	4,510	57
	Alechia Shinn (Write-In)		13	1	11	1	0
BUNCOMBE COUNTY SCHOOLS BOARD OF EDUCATION NORTH BUNCOMBE	Ann B. Franklin		83,618	9,742	53,569	20,180	127
	Shad Higgins (Write-In)		9	2	7	0	0
	Kevin Dodson (Write-In)		83	14	69	0	0
BUNCOMBE COUNTY SCHOOLS BOARD OF EDUCATION OWEN	Everett D. Pittillo		27,200	4,607	19,356	3,189	48
	Linda Tatsapaugh		33,843	2,966	21,245	9,600	32
	Margaret (Peggy) Buchanan		34,078	4,325	21,606	8,085	62
BUNCOMBE COUNTY SCHOOLS BOARD OF EDUCATION ROBERSON	Amy Churchill		85,256	10,591	55,515	19,020	130
CITY OF ASHEVILLE CITY COUNCIL	Corey Vroom (Write-In)		6	5	1	0	0
	Sandra Kilgore		25,909	2,136	15,824	7,921	28
	Larry Ray Baker (Write-In)		19	0	12	7	0
	Rich Lee		19,392	1,497	11,705	6,176	14
	Kim Roney		22,952	1,968	14,856	6,100	28
	Pete Kaliner (Write-In)		12	5	7	0	0

November 03, 2020 General Election Results by Contest

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
CITY OF ASHEVILLE CITY COUNCIL	Nicole Townsend		13,057	1,304	8,064	3,675	14
	Sheneika Smith (Write-In)		6	0	6	0	0
	Sage Turner		24,813	1,797	15,118	7,886	12
	Keith Young		21,895	1,868	13,429	6,582	16
TOWN OF BILTMORE FOREST MAYOR	George F. Goosmann III		935	344	353	238	0
	Henry Chandler (Write-In)		5	2	2	1	0
TOWN OF BILTMORE FOREST COMMISSIONER	Fran Cogburn		842	311	314	217	0
	E. Glenn Kelly		783	289	290	204	0
	Doris P. Loomis		817	305	307	205	0
TOWN OF BLACK MOUNTAIN ALDERMAN	Doug Hay		2,431	192	1,605	633	1
	Tonia Holderman		1,666	326	1,044	296	0
	Pam King		2,466	163	1,585	717	1
	Archie Pertiller, Jr.		2,615	342	1,662	611	0
	Charles (Mike) Sobol		716	109	433	174	0
	Matthew Turner		1,034	131	709	193	1
	Justyn L. Whitson		300	57	179	64	0
	Jennifer Willet		1,995	365	1,279	348	3
TOWN OF MONTREAT MAYOR	Philip Arnold (Write-In)		7	1	1	5	0
	Tim Helms		340	26	234	78	2
TOWN OF MONTREAT COMMISSIONER	Jane Alexander		331	21	222	86	2
	Katheryn (Kitty) Fouche		291	20	201	69	1

	0019_ASHEVILLE COUNCIL CITY OF ASHEVILLE									0014_BILTMORE FOREST MAYOR TOWN OF BILTMORE FOREST				0015_BILTMORE FOREST COMMISSIONER					
	Sandra Kilgore	Rich Lee	Kim Roney	Nicole Townsend	Sage Turner	Keith Young	WRITE-IN	OVER VOTES	UNDER VOTES	F. Geoge Goosmann III	WRITE-IN	OVER VOTES	UNDER VOTES	Fran Cogburn	E. Glenn Kelly	Doris P. Loomis	WRITE-IN	OVER VOTES	UNDER VOTES
01.1	360	223	220	143	272	284	22	12	417										
02.1	429	332	421	208	424	441	17	18	464										
03.1	316	286	381	157	337	302	20	3	358										
04.1	250	231	157	90	265	194	4	3	315										
05.1	467	449	261	146	528	376	40	0	535										
06.1	233	202	155	111	242	217	11	0	326										
07.1	273	243	257	106	315	246	14	0	337										
08.2	363	218	267	183	253	306	15	3	456										
08.3	253	134	169	124	161	230	5	6	364										
09.1	496	348	477	310	432	425	23	0	921										
10.1	233	87	127	97	134	166	7	3	259										
11.1	223	143	181	141	199	208	5	9	220										
12.1	242	228	360	163	329	280	17	9	349										
13.1	304	197	371	183	300	259	15	6	381										
14.2	263	164	313	163	251	219	11	3	452										
14.3	146	99	131	90	132	115	7	0	189										
15.1	266	247	372	154	340	260	13	3	403										
16.2	290	215	392	186	317	259	14	6	550										
17.1	260	246	190	110	299	214	20	0	320										
18.2	894	764	454	384	878	701	39	18	1442										
19.1	256	182	154	152	198	193	12	3	431										
20.1	168	124	114	86	164	135	10	6	204										
21.1	401	348	301	213	383	371	28	6	712										
22.2	486	437	262	170	490	400	32	15	486										
23.2	36	17	26	23	22	24	0	0	74										
23.3	168	141	76	73	142	125	6	3	170										
24.1	266	204	242	165	261	232	31	3	507										
25.1	322	254	290	187	307	269	49	0	593										
26.1	206	174	258	129	213	199	19	0	410										
28.1	279	240	211	103	307	230	16	9	324										
29.2	646	316	296	265	571	364	15	12	1205										
31.1										582	31	0	69	528	493	510	36	0	479
33.2	2	1	2	1	3	0	1	0	5										
34.1	152	106	117	89	124	123	3	0	237										
35.1	15	12	12	9	10	12	0	0	20										
36.1	0	0	0	0	0	0	0	0	0										
44.2	55	23	36	38	30	35	4	0	121										
45.1	16	8	5	7	13	18	0	0	32										

	0019_ASHEVILLE COUNCIL CITY OF ASHEVILLE									0014_BILTMORE FOREST MAYOR TOWN OF BILTMORE FOREST				0015_BILTMORE FOREST COMMISSIONER					
	Sandra Kilgore	Rich Lee	Kim Roney	Nicole Townsend	Sage Turner	Keith Young	WRITE-IN	OVER VOTES	UNDER VOTES	George F. Gossman III	WRITE-IN	OVER VOTES	UNDER VOTES	Fran Cogburn	E. Glenn Kelly	Doris P. Loomis	WRITE-IN	OVER VOTES	UNDER VOTES
52.1	28	17	29	30	26	23	1	0	89										
70.1	1	1	2	2	0	3	0	0	3										
71.1	21	26	7	2	23	8	0	0	15										
AVML	2517	1707	2329	1657	2282	2018	179	39	5584	14	1	0	2	11	9	9	4	0	18
AVOM	555	359	504	434	580	467	45	6	1520	14	0	0	0	7	9	12	0	0	14
BTFD	231	198	223	105	228	235	9	12	484	2	0	0	0	2	2	2	0	0	0
BMBL	107	92	85	53	118	86	2	9	234	1	0	0	1	1	1	1	0	0	3
CBL	421	359	348	258	421	363	39	9	1367	0	0	0	0	0	0	0	0	0	0
FVCC	148	115	113	65	143	139	20	0	427	1	0	0	1	1	1	1	0	0	3
HACC	979	833	1074	471	1145	902	47	12	1389	4	0	0	1	4	4	3	0	0	4
LSKY	426	352	404	288	408	400	36	6	1058	1	0	0	1	1	2	1	0	0	2
LECC	27	30	32	30	29	34	2	0	98	1	0	0	0	1	1	1	0	0	0
LEYV	1330	1144	1015	560	1383	1115	75	51	2072	3	2	0	1	4	3	3	0	0	8
SBBL	1438	923	931	749	1075	1079	87	33	3393	107	7	0	15	97	92	92	10	0	96
SCRK	1389	817	769	709	1057	1041	63	33	2504	193	15	2	37	175	157	168	4	3	234
UNCA	1923	1508	1728	732	1972	1381	52	39	2167	3	0	0	1	2	2	3	0	0	5
WTH	74	61	79	59	90	62	5	3	167	0	0	0	0	0	0	0	0	0	0
WGSC	2048	1214	1675	693	1425	2028	47	21	1799	9	1	0	3	7	6	10	2	0	14
WACC	2211	1993	3547	1201	2762	2079	118	39	4170	0	1	0	0	1	1	1	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	25909	19392	22952	13057	24813	21895	1372	471	43129	935	58	2	132	842	783	817	56	3	880

Tuesday – April 27, 2021 - 2:30 p.m.

Budget Worksession

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

City Manager Campbell said this presentation will consist of (1) budget process review; (2) current year financial status update; (3) next year General Fund base budget status; (4) priorities and additional investments; and (5) revenue neutral property tax rate discussion.

Key takeaways include (1) making budget and service delivery changes based on internal work, community input and Council priorities; (2) limited funding available to make new investments in Council priorities; and (3) budget adoption is a step in an ongoing process.

Budget Manager Taylor Floyd explained the Fiscal Year 2021-22 budget process review. He explained the internal budget development (1) process drivers (a) two crises (pandemic and social unrest); and (b) expected limited new revenue; (2) challenges identified (a) too few resources spread over services; (b) differences in access to information and organization lead to inconsistent service delivery; and (c) inclusive community input is difficult to obtain; and (3) response strategies (a) refocus engagement to neighborhood level; and (b) develop clear data-informed framework for decision making. Community engagement updates (1) process drivers (a) continued conversation from reimaging public safety work in 2020; and (b) online survey and 6 virtual sessions; (2) challenges identified (a) connecting City budget to individuals; (b) access to City staff and services; and (c) support for neighborhoods; and (3) response strategies (a) strategies identified through internal budget work; and (b) funding for small-scale neighborhood investment. And, City Council strategies & priorities (1) process drivers - development of City Council priorities from Vision 2036 through priority strategies identified in 2019 to four priorities from April City Council retreat; (2) priorities identified (a) reparations; (b) reimagining public safety; (c) compensation; and (d) utilization of ARPA funding; and (3) response strategies - utilize internal and community strategies to guide future investments in priorities.

Finance Director Tony McDowell then provided Council with the financial update of the current year status since early March. In response to the economic turndown, the City balanced this current budget by (1) avoided layoffs, furloughs, or service reductions; (2) appropriated fund balance; (3) no raises for employees; (4) implemented hiring review and held positions vacant; (5) kept operating budgets flat; and (6) no new services or expansions. He explained that positive signs on revenues and expenses continue. He explained the current year General Fund summary, noting (1) revenue trending better than expected; (2) budget strategies utilized to balance the current year helped in the short term; and (3) unassigned Fund Balance will slightly exceed policy target. He then provided Council with an update on the enterprise funds.

Finance Director McDowell provided Council with the Fiscal Year (FY) 2022 General Fund base budget. He reviewed next year's strategies with challenges identified (1) too few resources spread over services; (2) access to City staff and services; and (3) inclusive engagement and neighborhood support. He reiterated Council priorities of (1) reparations; (2) reimagining public safety; (3) compensation; and (4) utilization of ARPA funding. Response

strategies include (1) refocus engagement to neighborhood level; and (2) develop clear data-informed framework for decision making.

He then outlined the baseline General Fund revenue for a total growth of $5.6 Million (+4.2%). He then outlined expense drivers if personnel examples - totalling $2.7 Million; and operations examples - totalling $1.3 Million. The General Fund budget for the following items held flat with FY 21 budget amounts (1) Other Post-Employment Benefits (OPEB); (2) capital and debt; (3) employee health; (4) workers compensation; and (5) liability (risk).

Budget Manager Floyd then reviewed the FY 22 priorities and additional investments. He outlined the 13 Council priority strategies. Using a chart, he showed the transit investments from FY 2016 to FY 2021. Sustainability investments include (1) developing a climate justice screening tool; (2) exploring pathways to hire more BIPOC members to help with education and outreach; (3) utilizing existing funding and partnerships to support low and moderate income solar installations; (4) partnering with Asheville-Buncombe Food Policy Council and Bountiful Cities to create templates for food emergency preparations; and (5) partnering with Planning & Fire Department to help inform, create and support Resiliency Hubs. Additional investments for Transit Master Plan implementation is $1.0 Million; and small-scale neighborhood grants of $50,000. For reparations, additional investments include $200-300 for a planning and community engagement process. Regarding employee compensation, additional investments include (1) moving employees to new minimums - $4.5 Million; and (2) compression adjustments for employees at or above new pay grade minimums - for a total of $7.8 Million. Regarding reimagining public safety, ongoing investments include (1) reallocated funding to neighborhood support (CAPE), Data & Performance, and homelessness outreach; and (2) reallocated service delivery for noise ordinance enforcement and animal services (DSD), parking wardens (Parks & Rec). Additional investments for reimagining public safety include (1) 911 service consolidation - $1.0 Million; (2) staffing to support noise ordinance enforcement & animal services (DSD) - $100,000; (3) crisis response team for mental health and substance abuse - to be determined; and (4) houselessness response team - to be determined.

Budget Manager Floyd said that regarding prioritizing use of ARPA funding (1) intersection of existing priorities and authorized use of funds; (2) move faster to utilize funding where prior work and plans already exist; and (3) engage those that were most impacted by pandemic to determine how funding can best help them recover and provide future resilience. He then reviewed the Government Finance Officers Association's guidance on ARPA funds, along with the National League of Cities guidance on ARPA funds. Asheville's guidance principles will be to align with priorities, use an equity lens, focus on measurable impact, leverage partnerships, invest in resilience, and consider the long term.

Budget Manager Floyd said prioritized uses for the ARPA funds include (1) financial stability (revenue loss) - $5.0-6.0 Million; (2) staff support to manage funding (3 positions over 3 years) - $600,000; (3) non-congregate sheltering - $1.2 Million; and (4) low barrier shelter - $5.0 Million. External requests that are potentially eligible include Homeward Bound ($2.0 Million) and Helpmate ($2.0 Million). ARPA qualified uses are (1) respond to the COVID-19 emergency and address its economic effects, including aid to households, small businesses, nonprofits, and industries such as tourism and hospitality; (2) provide premium pay to essential employees or grants to their employers; (3) provide government services affected by a revenue reduction resulting from COVID-19; and (4) make investments in water, sewer and broadband infrastructure.

Finance Director McDowell explained the revenue neutral property tax rate. The tax rate that would produce the same levy as the current tax rate on the new valuation is 38.30-cents. He explained that each penny above revenue neutral generates $1.9 Million in additional property tax revenue. He then explained the impact of an additional penny on property owners. Finance

McDowell responded to questions from Council throughout his presentation on the property tax rate.

Using a chart, he showed new investments, but without additional revenue, it will be difficult to do the new investments.

There was discussion regarding revenue neutral property tax rate.

City Manager Campbell, along with Finance Director McDowell and Budget Manager Floyd responded to various questions/comments from Council, some being, but are not limited to: is there any increase in the current year frozen salaries; will there be any funds over the 15% Fund Balance and if so, what is that number; request to provide a history on the sanitation fee increases; do the sanitation fees cover sanitation and recycling; can staff provide more detail on the $5 Million for the low barrier shelters; what is the disconnect between making racial equity as part of the ARPA plan and our prioritized uses; what is the percentage of minorities that are houseless; regarding transit, what are the benefits of the turnkey model; what is the $1 Million for transit master plan implementation; regarding reimagining public safety, we need to be clear on what that the ongoing investments will look like, not just reallocation; concern that we will get input from the public but it will be too late for inclusion in our budget; are there other funds for transit expansion; discussion regarding the Black Mountain transit route; request for staff to identify what one-time expenses are for the new investments; the City should not feel they can't raise property taxes because the County is considering raising their property taxes; need for more partnerships, not less bus service; thoughts on employee compensation so we don't get back into the same position in a few years; request to have staff send to Council the presentation given to the Finance & HR Committee in February of 2020 regarding a program to offset rising property taxes to income qualified homeowners; and maybe use the land use incentive grant type program regarding property tax rebates to landlords who continue to rent the units at affordable rates.

At 4:20 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – April 27, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Councilwoman Roney, Consent Agenda Items"D.1" and "D.2" were removed from the Consent Agenda for discussion and/or individual votes.

A. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 13, 2021**

B. **ORDINANCE NO. 4368 (14868) - ORDINANCE AMENDING CHAPTER 2, ARTICLE 3 OF THE CODE OF ORDINANCES TO UPDATE THE ROLES AND RESPONSIBILITIES OF THE DOWNTOWN COMMISSION AND THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION RELATED TO DESIGN REVIEW**

Action Requested: Adoption of an amendment to Chapter 2, Article 3 of the City's Code of Ordinances updating the roles and responsibilities of the Downtown Commission and Asheville Area Riverfront Redevelopment Commission related to design review.

Background:

- The Asheville City Council adopted Ordinance No. 4855 on February 23, 2021 which amended Chapter 7 (the Unified Development Ordinance "UDO") to expand design review to include hotels and established a new Design Review Committee to perform design review for all projects located within a design review area (Hotel Overlay, Downtown and Riverfront areas).
- Prior to Ordinance No. 4855, design review had been performed by designated subcommittees of both the Asheville Downtown Commission and the Asheville Area Riverfront Redevelopment Commission with a final vote performed by the applicable full Commission.
- Chapter 2, Article 3 of the City of Asheville Code of Ordinances should be updated to reflect that design review is no longer a responsibility of these respective commissions.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s) and Commission(s):

- None

Pro(s):

- Makes Chapter 2 of the City's Code of Ordinances consistent with Chapter 7

Con(s):

- None

Motion:

- Motion to approve the proposed amendments to Chapter 2, Article 3 of the City's Code of Ordinances related to the roles and responsibilities of the Downtown and Asheville Area Riverfront Redevelopment commissions related to design review.

ORDINANCE BOOK NO. 33 - PAGE 270

C. **RESOLUTION NO. 21-77- RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH CIGNA HEALTH AND LIFE INSURANCE COMPANY AND EXPRESS SCRIPTS INC. FOR PROVISION OF EMPLOYEE HEALTH INSURANCE COVERAGE**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into contracts with Cigna Health and Life Insurance Company (Cigna) and Express Scripts, Inc. (ESI) for provision of employee health insurance coverage.

Background:

- Blue Cross Blue Shield of North Carolina is the current health insurance provider for employees of the City of Asheville.
- Analysis conducted by Willis Towers Watson, the City's benefits consultant, revealed the City's current plans are below market norms.
- The City issued an RFP to solicit proposals to provide health insurance coverage for City of Asheville employees and their dependents on December 14, 2020.
- The City received four responses to the RFP for employee health insurance coverage.
- The Evaluation Committee consisting of Peggy Rowe, Special Assistant to the City Manager; Larisa Lowman, Compensation and Benefits Manager; Shannon Barrett, HR Director; Tony McDowell, Finance Director; and Taylor Floyd, Budget Manager; reviewed all RFP responses and narrowed the field to three firms.
- The final three firms were evaluated by the Evaluation Committee and Cigna Health and Life Insurance Company and Express Scripts, Inc. were selected to provide employee medical and pharmacy insurance coverage.

Vendor Outreach Efforts:

- Request for proposal was issued December 14, 2020, with a response deadline of January 11, 2021.
- Under the City's Business Inclusion Policy, contracts for banking or insurance services are excluded from the scope and application of the policy.
- Outreach efforts were performed by posting the RFP on the State's Interactive Purchasing System.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Entering into contracts with Cigna and ESI will provide employees access to medical plans that meet market norms.
- Cigna will provide increased care management for plan participants.
- The proposed contracts will provide access to more robust medical coverage, dependable pharmacy coverage, wellness initiatives and resources, with a goal to improve participant health, resulting in cost containment.
- Cigna and ESI will guarantee the administrative fees for four years with no increases.
- The proposed fees match the current fee structure with BlueCross Blue Shield so there is no increase in administrative costs.

Con(s):

- Failure to enter into the contract will leave the City of Asheville employees and their dependents without health insurance coverage for the 2022 fiscal year.

Fiscal Impact:

- No increase to the current budgeted amount for employee health insurance coverage with a potential for cost savings.

Motion:

- Adopt resolution authorizing the City Manager to enter into contracts with Cigna Health and Life Insurance Company (Cigna) and Express Scripts, Inc. (ESI) for provision of employee health insurance coverage.

Jessica West encouraged City Council to delay action on this item in order to give employees an opportunity to see how many employees will be impacted due to providers not being in the Cigna system.

In response to Councilwoman Wisler, Human Resources Director Shannon Barrett explained that Human Resources has been collecting feedback from employees about their experience with Blue Cross Blue Shield for the last several years. The level of customer service has declined steadily. Employees have expressed their concerns regarding coverage and claims processing issues. The City's Benefits Consultant, Willis Towers Watson, conducted a thorough audit of our plans and concluded that they are below market norms. The last time a Request For Proposal (RFP) was issued for health insurance coverage was 2012, almost ten years ago. It is common practice to go to market on a regular basis to ensure we are receiving good rates and have access to the best plan designs. We recognized that any change in health insurance coverage will result in disruption for some members in the current plans. This factor was built into the RFP process and was heavily weighted in the selection process. In addition to minimizing the disruption of providers, the RFP also emphasized a need for robust plan design with a focus on care management and wellness. The goal of the RFP was to identify the strongest plan provider with the least possible disruption. Cost containment was also a consideration but was not the driving factor. The selection committee selected Cigna based on these factors. At the time of the RFP, there was an anticipated disruption rate of about four percent with Cigna's network. It is very common to experience disruption when converting health insurance coverage. Cigna has a process in place to add new providers at any time so there is the potential for disruption to be reduced below the anticipated four percent. While a formal survey was not conducted, HR did gather anecdotal feedback from employees as well as from our own Employee Health Services providers. The feedback has been positive about the move to Cigna.

In response to Councilwoman Roney about the impact of a delay in order to have an official survey of employees, Ms. Barrett said that they are on a tight timeline with the Fiscal Year of July 1. The challenge we would face is that employees would be without coverage.

RESOLUTION BOOK NO. 42 - PAGE 181

D. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2021 GRANT

BUDGET AMENDMENT IN THE CITY'S SPECIAL REVENUE FUND FOR THE 2021 HIDTA GRANT

These items were removed from the Consent Agenda for discussion and/or individual votes.

E. RESOLUTION NO. 21-78 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PATTON CONSTRUCTION GROUP FOR THE OVERLOOK ROAD SIDEWALK PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Patton Construction Group of Asheville North Carolina in the amount of $265,320 for the construction of the Overlook Road Sidewalk Project and further authorizing the City

Manager to execute any change orders that may arise during the project up to the contingency amount of $26,532 (10%).

Background:

- The City of Asheville passed a General Obligation Bond in 2016.
- Within this Bond, money was budgeted to construct new sidewalks and Overlook Road was identified as one of these sidewalks.
- The limits of this project are from Briarcliff Dr. to Pinchot Dr.
- This project has gone through an extensive public engagement process and review process by the North Carolina Department of Transportation.
- Bids for construction were advertised on March 10, 2021.
- Bids were opened as originally scheduled on March 31, 2021.
- There were four bids received on March 10, 2021.
- The contractor names and bid amounts are listed below:
    - Appalachian Paving (Asheville, NC) $300,562.50
    - Bartholomew Construction (Hendersonville, NC) $367,133.94
    - Patton Construction (Asheville,NC) $265,320
    - Whaley Construction (Kodak, TN) $393,021
- Patton Construction of Asheville, North Carolina was the lowest responsive, responsible bidder and the bid was within the budget established for this project.
- The construction will start in early June.
- The contractor has 120 calendar days to perform the work.
- The work is scheduled to be complete by the end of September.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- An annual aspirational goal of 4.6% was set for the prime contractors focusing outreach to MBE with a documented disparity in the construction field.
- These contractors specifically include Black, Native, and Asian American contractors.
- Two percent of the total dollar amount of this contract will be performed through a certified MWBE. EZ Striping is a HUB certified Black-owned business out of Forest City, NC.
- They are subcontracted to provide striping on this project.

Council Goal(s):

- Transportation and accessibility,
- A well planned and livable community.

Committee(s):

- None.

Pro(s):

- Project works towards fulfillment of the General Obligation Bond.
- Will fill in sections of missing sidewalk that add to pedestrian safety.

Con(s):

- Possible reduced levels of service for automobiles during the day while being constructed.

Fiscal Impact:

- Funding for the Overlook Road Sidewalks project is included in the General Obligation Bond Program.
- The contract amount is $265,320 for the construction of the Overlook Road Sidewalk Project plus a contingency amount of $26,532.

Motion:

- Move to adopt a resolution authorizing the City Manager to enter into a contract with Patton Construction Group of Asheville North Carolina in the amount of $265,320 for the construction of the Overlook Road Sidewalk Project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $26,532 (10%).

RESOLUTION BOOK NO. 42 - PAGE 182

F. RESOLUTION NO. 21-79 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SOLE SOURCE PROCUREMENT OF ACCUBRINE SYSTEM MAINTENANCE, REPAIR, PARTS AND UPGRADES UNTIL THE END OF LIFE OF THE CARGILL ACCUBRINE SYSTEM OF SALT BRINE EQUIPMENT

Action Requested: Adoption of a resolution supporting the sole source procurement of AccuBrine system maintenance, repair, parts, and upgrades, and that such items be exempt from competitive bidding per the sole source statute based on standardization, until the end of life of the Cargill AccuBrine system.

Background:

- In May 2020, the Streets Division of the Public Works Department was contacted by its representative from Cargill Salt - Road Safety, the manufacturer of AccuBrine (the system used to produce brine for anti-icing in the winter).
- The Cargill representative stated that the software and electric controls for the current system are no longer manufactured or supported, making Asheville's current system obsolete.
- The existing proprietary AccuBrine system thus requires upgrades that must use Cargill parts and all upgrade designs.
- According to NCGS §143-29, Procedure for letting of public contracts, one of the exceptions to the bidding requirement is standardization: "Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration" (NCGS § 143-129 (e)(6)).
- Any maintenance, repair, parts, and upgrades to the AccuBrine system must be consistent in parts and design with the current Cargill brining system, thus meeting the standardization exception.

Council Goal(s):

- Transportation & Accessibility

Pro(s):

- Upgrades the current AccuBrine system, and allows for future procurement of maintenance, repair, parts, and upgrades to keep the entire brining system standardized with Cargill AccuBrine equipment.

Con(s):

- None

Fiscal Impact:

- Funding for this purchase ($88,460) has been previously approved and is available for expenditure in the Streets Division of the Public Works Department budget for Fiscal Year 2020-21.

Motion:

- Motion to adopt a resolution supporting the sole source procurement of AccuBrine system maintenance, repair, parts, and upgrades, and that such items be exempt from competitive bidding per the sole source statute based on standardization, until the end of life of the Cargill AccuBrine system.

RESOLUTION BOOK NO. 42 - PAGE 183

G. RESOLUTION NO. 21-80 - RESOLUTION SUPPORTING THE SOLE SOURCE PROCUREMENT TO PURCHASE SAFETY PROTECTIVE BARRIERS FROM PROTERRA AFTERMARKET PARTS FOR INSTALLATION IN FIVE EXISTING PROTERRA ELECTRIC BUSES IN ASHEVILLE RIDES TRANSIT FLEET

Action Requested: Adoption of a resolution supporting the sole source procurement to purchase safety protection barriers from Proterra Aftermarket Parts for installation in five (5) existing Proterra electric buses in the Asheville Rides Transit (ART) fleet.

Background:

- On May 12, 2020, the City Council adopted a resolution authorizing the City Manager to execute a purchase order of approximately $140,000 for work for Proterra to engineer, design, retrofit, and install safety protection barriers from AROW Global Corporation, the manufacturer of the safety protection barriers, in five (5) existing 35-foot electric buses.
- A sole source procurement through Proterra Aftermarket Parts is necessary to ensure that the safety barriers are designed and installed correctly to fit the inside configuration of the existing Proterra electric buses that the City of Asheville owns.
- AROW Global Corporation is Proterra's approved provider of the safety protection barriers.
- CARES Act funds will be used to purchase and install safety protection barriers in the buses.
- The use of sole-source procurement is permitted in this instance pursuant to N.C.G.S. 143-129(e)(g)(iii) as equipment compatibility is an overriding concern.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Provides protection for transit bus drivers
- Uses CARES Act funding to purchase and install the safety protection barriers in the Proterra electric buses.
- No local match is required.

Con(s):

- None

Fiscal Impact:

- The CARES Act provides 100% of the funding with no local match required.

- The budget for this purchase was adopted at City Council's May 12, 2020, meeting.

Motion:

- Motion to adopt a resolution supporting the sole source procurement to purchase safety protection barriers from Proterra Aftermarket Parts for installation in five (5) existing Proterra electric buses in the Asheville Rides Transit (ART) fleet.

RESOLUTION BOOK NO. 42 - PAGE 184

H. RESOLUTION NO. 21-81 - RESOLUTION AUTHORIZING A SOLE SOURCE JUSTIFICATION PURCHASE OF REPLACEMENT LED STREET LIGHT FIXTURES FROM LEOTEK ELECTRONICS, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE APPROPRIATE PURCHASE ORDERS

Action Requested: Adoption of a resolution authorizing a sole source justification for the purchase of replacement LED street light fixtures from Leotek Electronics, and authorizing the Purchasing Manager to issue appropriate purchase orders.

Background:

- The City and Duke Energy Progress, Inc. entered into an addendum to the existing service agreement between the two parties in June 2011 for the installation of customer-owned LED lighting fixtures and automatic photo controls on company poles.
- Automatic photo controls cut the LED lighting fixtures on at dusk and off at dawn.
- The City is required to purchase company-approved LED lighting fixtures from company-approved vendors.
- LED technology has advanced tremendously over the last several years and as a result, only one company-approved vendor, Leotek Electronics, can supply the LED lighting fixtures that the City must purchase.
- The sole source justification should be in effect until June 30, 2022.

Council Goal(s):

- A Clean and Healthy Environment
- Transportation & Accessibility

Committee(s):

- None

Pro(s):

- Enables the City to continue purchasing customer-owned LED lighting fixtures per the agreement.
- Enables Duke Energy to replace customer-owned LED lighting fixtures per the agreement.

Con(s):

- None

Fiscal Impact:

- The anticipated total cost of the subject purchases throughout the stated lifetime is $100,000.
- Funding is included in the Transportation Department's annual operating budget each year for needed replacements.

Motion:

- Motion to adopt a resolution authorizing a sole source justification for the purchase of replacement LED street light fixtures from Leotek Electronics and authorizing the Purchasing Manager to issue the appropriate purchase orders.

RESOLUTION BOOK NO. 42 - PAGE 185

I. RESOLUTION NO. 21-82 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO HARPER CORPORATION'S CURRENT MILLS RIVER WATER TREATMENT PLANT MISCELLANEOUS PHASE 1 IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution for a Change Order to Harper Corporation's current Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements contract, in the amount of $1,475,624.78 with a 10% contingency of $147,562.48, for a total of $1,632,187.26 for this change order. Total project bid cost is $3,392.624.78; with contingency the total budget impact is $3,836,737.26.

Background:

- Ozone is an important disinfectant process in the treatment of drinking water at the Mills River Water Treatment Plant (WTP).
- The basement of the ozone building at the Mills River WTP flooded due to several situations arising at the same time.
- A manway to an empty ozone contactor chamber (basin) was left open due to needed repairs; heavy rains over a short time period caused high water levels in the sludge lagoons; and at the same time, staff needed to drain one of the sedimentation basins.
- Water was unable to drain to the lagoons and backed up into the contactor and thus the basement of the ozone building.
- Staff is now aware of this potential flooding situation.
- Safeguards have been put in place.
- Staff has improved signage and training to ensure the issue does not happen again.
- The damage was significant and requires replacement of all associated equipment.
- It also requires replacement of assets involved with the current Miscellaneous Phase 1 Ozone Rehabilitation project at the facility.
- The flooding damaged existing equipment as well as newly installed equipment.
- Harper Corporation holds the current open contract for the Phase 1 project.
- Harper Corporation will continue with the current project and the replacement of equipment damaged by the flooding.
- All necessary rehabilitation steps will be covered under this Change Order.

Vendor Outreach Efforts:

- Harper Corporation is currently under contract.
- As this is a work change directive, no further outreach was performed.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Ensures the Mills River WTP will be able to use all aspects of the original design (Ozone) to treat the source water of the Mills River.
- Ensures the Mills River WTP will continue to appropriately produce drinking water for the public.

- Ensures the operational staff safety by the replacement of all affected equipment.

Con(s):

- Without the use of ozone, the City could be out of compliance with the EPA Disinfection By-Products rule.
- Ozone helps to reduce the total organic carbon that is the precursor to Disinfection By-Products (Total Trihalomethanes and Haloacetic acids - HAA 5).
- Increased costs to produce high quality potable water due to loss of ozone treatment, resulting in other treatment processes having shorter life cycles.

Fiscal Impact:

- $1,475,624.78 with 10% contingency for a total of $1,623,187.26, to be funded within the existing Water Treatment Improvements Capital Improvement Program (CIP) budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a Change Order to Harper Corporation's current Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements contract, in the amount of $1,475,624.78 with a 10% contingency of $147,562.48, for a total of $1,623,187.26.

RESOLUTION BOOK NO. 42 - PAGE 186

J. RESOLUTION NO. 21-83 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING FOR THE CAROLINA LANE - LANGREN ALLEY ASPHALT RESURFACING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with French Broad Paving in the amount of $183,857.50 plus a 15% contingency of $27.578.62 ($211,436.12 total) for the Carolina Lane-Langren Alley Resurfacing contract.

Background:

- Both of these streets (Carolina Lane and Langren Alley) have had numerous utility projects over the years and the pavement is in very poor condition. Both streets are located in the Central Business District. The project emcompasses the entirety of Carolina Lane (Woodfin Street to E. Walnut Street) and Langren Alley (E. Walnut Street to N. Market Street).
- Resurfacing will also improve stormwater flow, especially on Langren Alley.
- The combined pavement length is .18 miles.
- The project was advertised on March 9, 2021, and bids were opened on March 31, 2021.
- The following bids were received:

French Broad Paving of Marshall, NC	$183,857.50
JLS Company of Hendersonville, NC	$269,961.44
Harrison Construction Company Asheville, NC	$360,365.00
Bryant Land and Development Industries, Inc. of Burnsville, NC	$535,041.70

- The contractor has been given the option of when to commence work on the project during the paving season from June 1 to December 15, 2021.
- Once work commences, the contractor will have 60 days to complete all work.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and

requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Staff also checked the NC Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Only one company from an identified disparity group was found in the ten-county area and staff directly contacted that company.
- The company did not bid as a prime contractor, but is listed as a subcontractor with several of the prime bidders.
- One MWBE submitted a bid with French Broad Paving.
- The MWBE, New Dimensions of Fletcher, NC, will install the pavement markings for the project.
- This subcontractor is a woman-owned business.
- The rest of the work will be performed by the prime contractor.
- The established goal for this project was for 4.6% of the total funds to be expended with MWBE companies. However, the contract only expends 1.9% with MWBE companies.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Provides for repair of two streets that are in very poor condition.
- These streets also serve as popular pedestrian corridors in the Central Business District.

Con(s):
- Construction will disrupt access on both streets.
- Efforts will be made to minimize disruptions.
- The contractor will work on one end of the street at a time to ensure that access remains open.

Fiscal Impact:
- Funding for this project is coming from the 2016 General Obligation (GO) Bond Transportation budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with French Broad Paving in the amount of $183,857.50 plus a 15% contingency of $27.578.62 for a total of ($211,436.12 total) for the project known as Carolina Lane – Langren Alley Asphalt Resurfacing.

RESOLUTION BOOK NO. 42 - PAGE 187

K. RESOLUTION NO. 21-84 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE DEPT. OF VETERANS AFFAIRS TO PROVIDE TEMPORARY SPACE FOR ASHEVILLE FIRE DEPARTMENT'S STATION 8

Action Requested: Adopt a resolution authorizing the City Manager to sign an agreement with the Department of Veterans Affairs to provide space for Fire Station 8 while renovations to the station occur.

Background:

- Fire Station 8 will be having its bay floors repaired and resurfaced in May 2021.
- The repair requires displacement of the crew and fire apparatus during the work.
- The Department of Veterans Affairs has agreed to provide temporary space to the City of Asheville and the Asheville Fire Department during the duration of the repairs at no cost.
- The Asheville Fire Department will occupy the space for a duration of two weeks; and the agreement will be valid for 90 days following the execution of the Memorandum of Understanding.

Vendor Outreach Efforts:
- Agreement is with Department of Veterans Affairs

Council Goal(s):
- Connected and Engaged Community

Committee(s):
- None

Pro(s):
- The agreement promotes community partnerships and engagement.
- The space is being provided at no cost to the City.
- The Asheville Fire Department continues its long history of working with other government agencies to deliver public safety services.

Con(s):
- None Identified

Fiscal Impact:
- None

Motion:
- Motion for a resolution authorizing the City Manager to enter into an agreement with the Federal Department of Veterans Affairs to provide temporary space for the Asheville Fire Department during repair of Fire Station 8's bay floors.

RESOLUTION BOOK NO. 42 - PAGE 188

L. RESOLUTION NO. 21-85 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY A CONTRACT WITH RAMADA INN (D/B/A FIVE P MOUNTAIN LLC) FOR EMERGENCY NON-CONGREGATE HOMELESS SHELTER AND OPERATIONS FOR 42 ROOMS AT THE RAMADA INN

ORDINANCE NO. 4369 (1486) - BUDGET AMENDMENT FROM AMERICAN RESCUE PLAN FUNDING TO FUND THE CONTRACT WITH THE RAMADA INN AND THE CONTRACT WITH SUNRISE COMMUNITY FOR RECOVERY & WELLNESS

Action(s) Requested: Authorize the ratification of a contract to support an emergency non-congregate homeless shelter at the Ramada Inn; and a budget amendment in the Special Revenue Fund in the amount of $468,407 from American Rescue Plan (ARPA) funding to fund the contract with the Ramada Inn and the contract with Sunrise Community for Recovery & Wellness.

Background:

- On Monday, April 19, 2021, the City executed an emergency contract for a non-congregate shelter at the Ramada Inn at 148 River Ford Parkway.
- Tuesday, April 20, 2021, was the end of the seven-day notice to individuals camped at City-owned property at Riverbend Park.
- Approximately 35 individuals were transported and provided shelter at the Ramada Inn.
- The Ramada Inn (dba Five P Mountain, LLC) agreed to provide 42 rooms for this purpose with a total cost not to exceed $381,000.
- The term of the agreement with Ramada is for a period of up to 90 days.
- Additionally, Sunrise Community for Recovery & Wellness, a local non-profit peer support organization, agreed to offer onsite supportive services to the individuals relocated to this shelter at a total cost of $87,407.
- This amount is within the City Manager's authority to approve and therefore does not require a Council resolution.
- These contracts enabled the City to provide a low-barrier shelter option for people experiencing homelessness that have been given notice to remove encampments on City property.
- The resolution will ratify the emergency contract for the Ramada Inn and allocate funds for this purpose.

Council Goal(s):
- A Well-Planned and Livable Community
- A Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Addresses public health and safety
- Provides a low barrier shelter option to address the needs of the homeless

Con(s):
- None

Fiscal Impact:
- Allocate funds from the American Rescue Plan in the Special Revenue Fund in the amount of $468,407 for a contract with Ramada Inn (dba Five P Mountain, LLC) for the operation of a low barrier shelter for people experiencing homelessness, and for a contract with Sunrise Community for Recovery & Wellness for onsite supportive services.

Motion(s):
- Motion to adopt a resolution ratifying a contract to support an emergency non-congregate shelter for people experiencing homelessness at the Ramada Inn; and a budget amendment in the amount of $468,407 from American Rescue Plan (ARPA) funding to fund the contract with the Ramada Inn and the contract with Sunrise Community for Recovery & Wellness.

Melanie Noyes felt that low barrier shelters are a good start, but we need City sanctioned campsites with sanitation services.

RESOLUTION BOOK NO. 42 - PAGE 189
ORDINANCE BOOK NO. 33 - PAGE 272

M. MOTION TO REVISE THE FISCAL YEAR 2021-22 BUDGET CALENDAR TO INCLUDE A BUDGET WORKSESSION ON MAY 11, 2021, AT 2:30 P.M.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Wisler moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda Items "D.1" and ``D.2". This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

D. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2021 GRANT

BUDGET AMENDMENT IN THE CITY'S SPECIAL REVENUE FUND FOR THE 2021 HIDTA GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2021 High Intensity Drug Trafficking Areas (HIDTA) Grant on behalf of the Asheville HIDTA branch; and adopt a budget amendment in the City's Special Revenue Fund in the amount of $275,416.

Background:

- The Asheville Police Department acts only as the fiduciary for the grant.
- When expenses are incurred, the fiduciary settles the claims using appropriated City of Asheville funds and then requests a 100% reimbursement from the federal government.
- The Asheville HIDTA is the direct beneficiary of the grant funds and not the Asheville Police Department.
- The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration, one officer from the Asheville Police Department, and various individuals from the Sheriff Offices of several Western North Carolina Counties.
- A United States Drug Enforcement Administration supervisor, who is the Asheville HIDTA manager, determines how grant funds will be expended.
- All members of the Asheville HIDTA receive reimbursement when they incur qualified expenses conducting Asheville HIDTA business.
- The Office of National Drug Control Policy has preliminarily determined that the City of Asheville
  is eligible to manage this grant totaling $275,416.
- The purpose of the HIDTA program is to reduce drug trafficking and production in the United States, specifically in areas where drug-related activities are having a significant harmful impact.
- Grant funds are used for overtime, travel, services and supplies.
- All expenses are tracked and audited by local and federal authorities.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Fosters partnerships with federal and local law enforcement agencies.

Con(s):
- None

Fiscal Impact:
- There is no local match required.

Motion:
- Motion to adopt a resolution approving the application and acceptance of the grant; and a budget amendment to appropriate the funding.

Rachel Bliss felt the City will be perpetuating the war on drugs, and that the City needs to look elsewhere for grant dollars to build communities..

Due to lack of a motion to adopt the resolution or budget amendment, no action was taken on these items.

Councilwoman Wisler asked if this item comes back to City Council she would like to have information on the role of the Asheville Police Department and how reimagining public safety plays in this program.

At the suggestion of Vice-Mayor Smith, it was the consensus of Council to have this item reviewed by the Public Safety Committee.

III. PRESENTATIONS & REPORTS:

A. GREATER ASHEVILLE REGIONAL AIRPORT ANNUAL REPORT

Executive Director of the Greater Asheville Regional Airport Authority Lew Bleiweis provided Council with a highlight of their accomplishments and activities each year. They began 2020 on the heels of the biggest year in the history of the airport - they served 1.6 million passengers, which was an astounding 43% increase over the previous year. Much of their year was focused on a response to the pandemic, keeping the airport operating in the safest and health-focused way possible. He explained how the pandemic affected the airport and how their employees found creative ways to serve others and bring some "normalcy" to the airport. A focus on infrastructure enhancements was important and he outlined some of the enhancements, i.e., utility upgrade, ground transportation lot upgrade, south apron expansion project, new parking areas, runway 17-35 commissioned, and purchase of Broadmoor Golf Links. The growth at the airport during the past six years revealed the tangible need for a larger and modernized airport terminal. Highlights include public input, operational goals identified, key partners, and new air traffic control tower. He said that in 2020 with travel nearly ceasing in the month of April, followed by a slow partial recovery through the year, Asheville was one of the more fortunate airports in the country. Airlines maintained most routes (at lower frequencies), and even added or announced new routes during the year. New routes included American, Allegiant, and a year-end route map. Regarding finances, at June 30, 2020, the Authority's assets exceeded liabilities by $169,081,647. That is an increase of more than $14.2 million from 2019 and an increase of $30.6 from 2018.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING FOR SUBMISSION OF THE CITY'S ANNUAL ACTION PLAN FOR 2021-22 TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Community Development Program Director Paul D'Angelo said that this is a public hearing for submission of the City's Annual Action Plan for 2021-22 to the U.S. Dept. of Housing & Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the 2021-22 Annual Action Plan. This public hearing was advertised on April 16 and 23, 2021.

Mayor Manheimer opened the public hearing at 5:37 p.m.

Background:

- The City has received the 21/22 HUD allocation notice and will have approximately $1,137,995 in CDBG funds and $1,370,760 in HOME funds available for the fiscal year that will begin July 1, 2021.
- Community Development Staff, in coordination with the Housing & Community Development (HCD) Committee, have made recommendations for the use of CDBG funds, which must be used in housing & community development programs within the city limits of Asheville.
- Below are the proposed use of funds:

CDBG PROGRAM

2021-2022 PROGRAM	Funding Recommendations
Asheville-Buncombe Community Land Trust -Permanently Affordable Housing Services	$39,184
Asheville Area Habitat for Humanity - Affordable Home Repairs for Low Income	$128,000
Caring for Children, Inc. - Trinity Place Runaway and Homeless Youth Shelter	$15,000
Carolina Small Business Development - Western Women's Business Center (WWBC)	$100,000
Eagle Market Streets Development - EMSDC Incubate to Innovate	$25,000
Eliada Homes, Inc. - Eliada Homeless Services	$22,272
Getting Back to the Basics- Project Lighten Up After School Virtual Learning	$10,000
Haywood Street Congregation (HSC) -Haywood Street Respite (HSR)	$15,000
Helpmate, Inc. - Emergency Shelter for Domestic Violence Survivors	$17,500
Helpmate, Inc. - Housing Case Management for Domestic Violence	$49,241
Homeward Bound of WNC - AHOPE Coordinated Entry	$33,199
Homeward Bound of WNC - Acquisition - Permanent Supportive Housing	$100,000
Homeward Bound of WNC - Housing Services - Permanent Supportive Housing	$81,000
Mountain BizWorks - Opportunity Asheville: Expanding Access to Small Business	$100,000
Mountain Housing Opportunities, Inc. - Emergency Home Repair	$95,000
OnTrack Financial Education & Counseling - Housing & Financial Capabilities Program	$15,000
Partners Unlimited, Inc. - Academic Enhancement Program	$10,000
Pisgah Legal Services - Homeless Prevention Project	$20,000
SPARC Foundation,Inc. - Changing Together Program	$20,000
YWCA of Asheville and WNC - Empowerment Child Care Program	$15,000
City of Asheville- CDBG Planning and Administration	$227,559

RECOMMENDED FUNDING	$1,137,955

HOME INVESTMENT PARTNERSHIP PROGRAM

Proposed Use of Funds:

2021-2022 PROGRAM	Funding Recommendations
Commonwealth Development - Fairhaven Summit	$100,000
Community Housing Coalition of Madison Co. - Rural Replacement Housing	$165,000
Eliada Homes, Inc. - Eliada Homeless Services	$20,208
Helpmate, Inc. - Rental Assistance for Domestic Violence	$50,000
Homeward Bound of WNC, - HOME Asheville - Tenant Based Rental Assistance	$80,000
Homeward Bound of WNC, - HOME Buncombe - Tenant Based Rental Assistance	$100,000
Housing Authority of the City of Asheville, - Tenant Based Rental Assistance Mobility	$75,000
SCG Development Partners, LLC. - Ovata at Ascension	$100,000
WDT Development ,LLC. - White Pines Villas	$100,000
Workforce Homestead, Inc. - Falling Waters	$402,862
City of Asheville - HOME Planning and Administration	$137,076
CHDO Reservation - CHDO Contingency	$40,614
RECOMMENDED FUNDING	**$1,370,760**

- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties).
- Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan, FY20/21-24/25.

Council Goal(s):
- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):
- Asheville Regional Housing Consortium Board - March 25, 2021 - Approval
- Housing & Community Development Committee - March 26, 2021 - Approval

Pro(s):
- Approval of the Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

Con(s):

- It is not always possible to fund all of the applications received, and many agencies funded will receive less than the amounts requested.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- The FY 2021-22 budgets for both the CDBG & HOME programs will be included in the annual budget ordinance that City Council will adopt in the coming months.

Mayor Manheimer announced that there were no advanced live call-ins for this item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Turner moved to recess this item until May 11, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 21-86 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ASHEVILLE-BUNCOMBE UNITED FOR YOUTH NETWORK

Laura Elliott, Senior Director of Community Schools and Network Development of the United Way of Asheville and Buncombe County, explained that United for Youth Network is a multigenerational, cross-sector, cradle to career partnership built on the foundational principle that equity and educational excellence are inseparable. It's vision is that all children and youth learn, grow and thrive in a vibrant, healthy and connected community. It's mission is to actively identify and remove barriers to opportunity and co-create solutions that support student success

The community goals is by 2035, all Asheville City and Buncombe County students graduate from high school ready and fully prepared to pursue their goals and dreams.

The Network's theory of action & change is (1) By committing to working more boldly as individual organizations and by aligning and leveraging community resources as a network, we will improve systems for equitable student learning and educational excellence; and (2) By committing to a results-based accountability framework, we will support one another and hold one another accountable through continuous learning and course corrections along our path towards our shared vision, mission and bold community goal.

Why now? While overall high school graduation rates have risen over the years, disparities are worsening. Not all students are prepared with the skills and experience for postsecondary education and/or living wage jobs (college, career, community ready). COVID-19 pandemic has exposed long-standing inequities in education. There is strong momentum and a clear call for cross-sector collective impact approaches.

The Network partners include: A-B Tech, Asheville City Schools, ACS Foundation, Buncombe County, Buncombe County Schools, Buncombe Partnership for Children, Big Brothers Big Sisters, Chamber of Commerce, Children First/Communities in Schools, My Daddy Taught Me That / My Sistah Taught Me That, Racial Justice Coalition, UNC Asheville, YMCA of WNC, YWCA of Asheville, and United Way ABC.

Special Assistant to the City Manager Peggy Rowe said that the City of Asheville's commitment, the City agrees to continue to provide community learning centers or Positive Opportunities to Develop Success (PODS) at our recreation centers. The City will continue and potentially expand Asheville Parks & Recreation programs in a safe environment for everyone in our community to include: Summer Youth Programs, Teen Summer Camp Program, Summer Camp at Malvern Hills, Therapeutic Recreation Summer Camp and o WNC Nature Center Wild Weeks Camp. The City Will continue to reimagine the role of Resource Officers to include support of United for Youth Partnership; evaluate affordable housing needs to align with the United for Youth Program; continue to grow the City of Asheville Youth Leadership Academy, also known as CAYLA as well as other opportunities for workforce development; continue to enhance and expand affordable housing; continue to improve and expand transit access to those who rely on it most; and fully participate in data sharing and mutual accountability with partners.

"City Staff Report:

Background:

- Addressing the opportunity gap specifically for black and brown children is a priority for the City of Asheville.
- Addressing the *"whole child"* as a community and specifically as a City, is crucial to improving the education system which ultimately improves the quality of life for everyone in a community.
- Addressing the whole child includes but it is not limited to, providing workforce development, affordable housing, better access to transportation, afterschool programs and support to families.
- Asheville-Buncombe United for Youth Network is a multigenerational, cross-sector, cradle to career partnership built on the foundational principle that "Equity and Educational Excellence are Inseparable."
- Coordinated by United Way of Asheville and Buncombe County, this collaboration is working toward the following:
    - **Vision:** ALL children and youth learn, grow and thrive in a vibrant, healthy and connected community.
    - **Mission:** To actively identify and remove barriers to opportunity and co-create solutions that support student success. Bold Community Goal: By 2035, ALL Asheville City and Buncombe County students graduate from high school ready and fully prepared to pursue their goals and dreams.
    - By committing to a results-based accountability framework, partners will support one another and hold one another accountable through continuous learning and course corrections along our path towards our shared vision, mission and bold community goal.
    - By joining the partnership, including the shared vision, mission and bold community goal, The City of Asheville commits to act in good faith to uphold the agreements described in the partnership agreement.
- The City will continue to prioritize and support the effort to address the achievement gap for black and brown children.
- The City agrees to continue to provide community learning centers or Positive

Opportunities to Develop Success (PODS) at our recreation centers.

- The City will continue and potentially expand Asheville Parks & Recreation programs in a safe environment for everyone in our community to include: Summer Youth Programs; Teen Summer Camp Program; Summer Camp at Malvern Hills; Therapeutic Recreation Summer Camp; and WNC Nature Center Wild Weeks Camp.

- The City will continue to prioritize utilization of funding through the Strategic Partnership Fund to address the opportunity gap.

- The City will continue to (1) Reimagine role of Resource Officers to include support of United for Youth Partnership; (2) Evaluate affordable housing needs to align with the United for Youth Program; (3) Continue to grow the City of Asheville Youth Leadership Academy, also known as CAYLA as well as other opportunities for workforce development; (4) Continue to improve and expand transit access to those who rely on it most; and (5) Fully participate in data sharing and mutual accountability.

Council Goal(s):
- An Equitable and Diverse Community

Pro(s):
- Partnership will help ALL children and youth learn, grow and thrive in a vibrant, healthy and connected community.
- Partnership will actively identify and remove barriers to opportunity and co-create solutions that support student success.
- Partnership will help ALL Asheville City and Buncombe County students graduate from high school ready and fully prepared to pursue their goals and dreams.

Con(s):
- None

Fiscal Impact:
- None at this time."

Ms. Elliott responded to Councilwoman Roney's inquiry about the early warning and response system, which is a shared system based on confidentiality, practices, laws and agreements between our schools, youth service organizations and parents so that schools and community partners can see when a student is starting to fall off-track, have time to problem solve and put supports and interventions in place and track those interventions. All of the Asheville City Schools have this system in place; however, each school is in a different stage of implementation.

Councilwoman Roney pointed out the long list of community partners who have not officially signed on yet to the agreement and was concerned about the capacity of data entry for some of the smaller or grassroots organizations. Ms. Elliott responded that they have hired a data and evaluation specialist and one of her responsibilities is specifically to support smaller grassroots organizations and nonprofits with that data tracking collection and hearing the needs that are specific to them.

Councilwoman Wisler said that we have prioritized our strategic partners and we have prioritized tackling the achievement gap; so, she asked that the Housing & Community Development Committee look at all of our strategic partners that receive City funds and who are addressing the achievement gap to have them commit to be a part of this network.

In response to Vice-Mayor Smith, Ms. Elliott said that this partnership agreement is designed so that each organization can craft their own unique value path. There is a lot of responsibility on the larger organizations reaching out and being supportive of smaller organizations.

Councilwoman Kilgore supported this program and felt it is a beginning of what we need to bring together a great program for our youth.

Mayor Manheimer thanked Ms. Elliott for this hard work and appreciated United Way taking on the task of being the convenor.

Councilwoman Roney said that as she has been having conversations in the community about what this could mean. One concern is about partner capacity and barriers. The second concern is the focus on data collection and what happens if a parent, guardian or student doesn't opt in because of existing trust issues. She wondered how that will impact our outcome data. Her third concern is about our role as a partner. Hearing that we are just going to do what we do and more of it will not give us different outcomes. She is looking for not just not a transactional data relationship but a transformational relationship that will result in the positive outcomes that our students really need.

Mayor Manheimer announced that there were no advanced live call-ins for this item.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Kilgore moved to authorize the City Manager to enter into a partnership agreement with The Asheville Buncombe United for Youth Network which includes Lead Organization, The United Way, Buncombe County as well as other community partners which will form the Asheville Buncombe United for Youth partnership agreement. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 190

VI. NEW BUSINESS:

14870

A. ORDINANCE NO. 4370- ORDINANCE PROHIBITING DISCRIMINATORY PRACTICES IN PRIVATE EMPLOYMENT AND PUBLIC ACCOMMODATIONS

City Attorney Branham said that this is consideration of adoption of an ordinance prohibiting discriminatory practices in private employment and public accommodations.

Background:

- Presently, the State of North Carolina does not prohibit businesses from discriminating against employees or customers on the basis of certain personal characteristics, like sexual orientation and gender identity.
- From March 30, 2017, through December 1, 2020, the State of North Carolina expressly prohibited local governments from regulating private employment practices and/or public accommodations.
- Because it appears unlikely that the State will adopt laws prohibiting discriminatory practices in private employment and public accommodations, it is necessary for local governments to adopt non-discrimination ordinances in order to prevent such expressions of bigotry and inequity.

- City staff has worked closely with Buncombe County staff to develop substantially similar non-discrimination ordinances, to be adopted by each government, in order to ensure that discriminatory practices in employment and public accommodations will be consistently prohibited throughout the Asheville metropolitan area.
- The ordinance proposed would prohibit discrimination in employment or in public accommodations based upon any of the following: race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability.

Council Goal(s):
- An Equitable and Diverse Community
- A Thriving Local Economy

Committee(s): Governance

Pro(s): Prohibits discriminatory practices in private employment or public accommodations.

Con(s):
- May result in counteraction by the State Legislature.
- This occurred previously with the bill commonly known as HB2 which temporarily prohibited cities from passing such ordinances.

Fiscal Impact:
- It is expected that the enforcement of the proposed Non-Discrimination Ordinance will be able to be fulfilled by the City's Office of Equity and Inclusion, without an increase in that department's budget.

He said that the purpose of this ordinance is (1) To prevent discrimination within the City of Asheville in priviate employment and public accomondations; (2) To provide assistance for anyone experiencing discriminatory housing practices; (3) To align City regulations with that of Buncombe County; and (4) To advance the City's goal of fostering equity and inclusion throughout the community.

It's background is (1) In 2017, NC General Assembly adopted HB 142 (Session law 2017-4); (2) This repealed the former law commonly referred to as as "HB 2."; (3) This new law prohibited local governments from enacting ordinances regulating private employment practices and public accommodations; (4) This prohibition ended December 1st, 2020; and (5) Multiple NC cities and counties have adopted new anti-discriminaion ordinances. (Chapel Hill, Carrboro, Hillsborough, Durham, Greensboro, Orange, and now Buncombe County)

He explained the proposed City ordinance (1) Prohibits discrimation based upon a person's race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability; (2) Provides a Process for enforcement through education and conciliation; and (3) Includes options for civil penalties and other legal remedies when voluntary resolutions cannot be reached.

Ordinance elements (1) Prohibits discrimation in Private Employment; (2) Applies to any employer of one or more person (a) Includes hiring, tenure, conditions of employment, etc.; (3) Prohibits discrimination in Public Accomondations (a) Any place, facility, store, or other establishment which supplies accommodations, goods, or services to the public; and (4) Exemptions (a) Among others, religious educational institutions or corporations.

Process and Penalties (1) Complaints of discrimination filed with City Office of Equity and Inclusion; (2) Persons or entities receiving complaints may provide a written answer; (3) The Office of Equity and Inclusion will commence an investigation; and (4) Some "Discovery" is authorized; (5) Investigations will use a "Reasonable Cause" standard of review; (6) Complaints will be addressed through education, mediation, and conciliation; and (7) If these efforts are unsuccessful, additional penalties may be utilized (a) $100 civil penalties and potential injunctive relief; and (b) No criminal penalties.

Due Process (1) Following investigation, the Office of Equity and Inclusion will issue a final report to the parties; (2) Appeals from these decisions can be made to a panel consisting of the City Manager, the City Human Relations Director, and the City Attorney; (3) Appeals must be filed in writing to the City Clerk within 10 days of the final decision; and (4) Further appeals can also be made to the State Superior Court.

Timing (1) In coordination with Buncombe County, the City's ordinance would take effect on July 1, 2021; (2) This will allow local businesses and government agencies to prepare for implementation of the new rules; and (3) Provide a period for education and training.

When Councilwoman Roney asked if we would look at the fines in the future because now the fines are less than some traffic violations, City Attorney Branham responded that Council can review in the future if higher levels of civil penalties would be appropriate. He hoped that we can deal with this issue through an educational process and not punitively fine individuals.

Councilwoman Mosley said that her father, the Rev. Dr. Charles Mosley, in addition to being a pastor, he was also a civil rights activist. Prior to his recent passing she had the opportunity to speak with him regarding this issue. He counseled her that civil rights should always be expanded and never sought to be reduced. It was his opinion that this ordinance was worth moving forward with. So, when she casts her vote in favor of this ordinance, she will do so with him in mind and out of a desire to make him proud.

From advanced live call-ins, 9 individuals spoke in support of the ordinance prohibiting discriminatory practices in private employment and public accommodations.

One advanced live call-in asked City Council to vote against the ordinance prohibiting discriminatory practices in private employment and public accommodations.

Councilwoman Roney thanked those who called in and shared their stories, those who voiced the fines were not enough, those who called for support needed in the Office of Equity & Inclusion to have the capacity to enforce the ordinance, those who remind us that our religious freedoms are protected by the First Amendment, but the protection against discrimination in employment and in public accommodations is not, and her students. This is a starting point and we have far to go. With the passage in Virginia of their House Bill 6 it was news to her to learn about source of income as needing protecting against discrimination to safegaurd the use of housing vouchers.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Roney moved to adopt an ordinance prohibiting discriminatory practices in private employment and public accommodations. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

C. RESOLUTION APPOINTING MEMBERS TO THE DESIGN REVIEW COMMITTEE

Mayor Manheimer said that these appointments will be moved to the May 11, 2021, meeting.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 4 individuals spoke to Council for several reasons, some being, but are not limited to: why an administrative investigation is now taking place of the individual who gave the command to destroy the medical tent back in June of 2020; and the need for City sanctioned tent sites and sanitation services.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:00 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – May 11, 2021 - 2:30 p.m.

Budget Worksession

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

City Manager Campbell said that this worksession will provide an overview of (1) the budget process review; (2) overview of draft recommendations for proposed investments in Council priorities and property tax rate; and (3) next steps for the budget process and Rescue Plan funding.

She outlined the key takeaways from this worksession which will be (1) draft recommendations are based on internal work, community input and Council priorities, and reflect a continuation of the reimagining public safety process; (2) a property tax rate above revenue neutral is tentatively recommended to fund investments in Council priorities; and (3) some initiatives included in the Manager's Recommended Budget presented on May 25 will need to be finalized during the year.

Budget Manager Taylor Floyd provided Council with the Fiscal Year (FY) 2021-22 review. He reviewed the internal budget development process drivers, challenges identified and response strategies; the community engagement update process drivers, challenges identified and response strategies; and City Council strategies and priorities' process drivers, challenges identified and response strategies. From the community engagement sessions, there was interest in understanding how budget affects individuals and how to make an impact on budget decisions; increased access, convenience and transparency; clearer, plain language communication; being part of resource allocation and prioritization; empowered decision-making; and neighborhood level investments. From employee engagement sessions, there was interest in compensation as an important part of feeling valued; more staff resources to address both Council priorities and core service delivery; more strategically using existing resources; and more coordinated community engagement.

Budget Manager Floyd and Finance Director Tony McDowell provided highlights of draft recommendations. He reviewed draft investments in reparations; neighborhoods & housing; youth; reimaging public safety (safe communities); transportation; environment; economic development; and employees and workforce. From the new investments totaling $9.9 Million against the available funding of $4.3 Million, there is a gap of $5.7 Million.

Regarding draft revenue recommendations (1) sustainable property tax rate (a) set rate at 3-cents above revenue neutral; (2) minimize impact of fee increases while maintaining services (a) water fees increase by $6.56 bi-monthly for the typical homeowner primarily to cover capital infrastructure needs, and remain at a lower level than they were in FY 2020; and (b) no increase in solid waste or stormwater fees; (3) strategically utilizes available fund balance for one-time investments; and (4) continue planning for the investment of ARPA funding. He then explained how 3-cents above revenue neutral will generate $5.7 Million.

City Manager Campbell, along with Finance Director McDowell and Budget Manager Floyd responded to various questions/comments from Council, some being, but are not limited to: climate emergency and the impact of racism in our entire community are two additional crises to take into account; explanation about the LUIG and fee rebates for affordable housing; discussion of whether an urban forester position is necessary at this time; what is the plan for the tree canopy already lost; discussion of tree in-lieu-of funds and what are the requirements on where those funds can be used and when they are triggered; how many non-police positions are open and is it expected that we can hire all of them on July 1; is the 1.2% LGERS increase based on assuming rates; request for information about positions that are already at market rate and what the difference would be to the $7.9 Million; confirmation that the 2.5% raise for all City employees covers cost of living for last year and this year; request for comprehensive information showing a the property tax information for not only the City, but the County and the Asheville City School District as well as other fees included in the tax bill; request the City look at the Durham and Charlotte programs that assist people with their property taxes based on income qualifications; request for information of homes that are above the median assessed value; request for information on all open positions that we froze, the positions that we did not freeze that are vacant and if we don't fill all those vacant positions, can the tax increase be lowered; the need for more community partnerships because many neighbors, elders and students can't make ends meet now; and request for staff to send to City Council the Tax Assistance presentation that was presented to the Finance & Human Resources Committee in February 2020. For the information not readily available, staff will provide that information to Council.

At 4:03 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – May11, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 27, 2021

B. RESOLUTION NO. 21-87 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH ASTROTURF CORPORATION FOR THE MEMORIAL STADIUM TURF AND DRAINAGE REPLACEMENT PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute the construction contract with AstroTurf Corporation, in the amount of $908,700, for the Memorial Stadium Turf and Drainage Replacement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $136,305 (15%).

Background:

- Memorial Stadium Park is a multi-use facility in the heart of downtown Asheville that is used extensively for both recreational and professional activities.
- The playing surface is artificial turf that has exceeded its useful life and is in dire need of replacement.
- This is a maintenance project that will be replacing the existing sub base, playing surface, field drainage system and replacing/relocating the stormwater system.
- This work is being done to ensure safe use of the field.
- Additionally, sidewalks and a ramp will be installed to create accessibility to the concrete seating area on the east side of the stadium.
- This project will start in summer 2021 and be completed in six to eight months.
- Bids were advertised initially on March 10, 2021.
- Three bids were received on the due date of April 1, 2021, but were not opened due to one envelope not being clearly marked regarding the contents.
- This was determined to be an ineligible submission and since this project required three bids, the bids were not opened at that time.
- The project was readvertised on April 7, 2012 and bids were received and opened on April 22, 2012.
- Three bids were received as follows:
    - AstroTurf Corporation, Dalton, GA, $908,700
    - Sports Fields, Inc., Canton, GA $1,283,580
    - Baseline Sports Construction, LLC, Knoxville, TN $1,127,000
- AstroTurf was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- There was a 4.6% goal set for this project
- AstroTurf Corp is the prime contractor that reached out to MWBE companies during bidding and has indicated Stiles Trucking (WBE) as a subcontractor. This represents 2.6% of the total dollar amount of the contract to be contracted with minority and women owned businesses.

Council Goal(s):

- A well-planned and livable community.

Committee(s):

- The Recreation Board is currently not meeting.

Pro(s):

- Safer sports field.
- Field drainage improved.
- Stormwater lines relocated from under the field.
- Old stormwater lines replaced.

Con(s):

- Construction will temporarily close the field to activities.

Fiscal Impact:

- Funding for this contract is included in the adopted Parks and Recreation section of the 2016 General Obligation (GO) Bond program.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute the construction contract with AstroTurf Corporation, in the amount of $908,700, for the Memorial Stadium Turf and Drainage replacement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $136,305(15%).

Councilwoman Turner initiated discussion about stripping the turf for one sport group (football) which then can't be used for other sport groups, i.e., soccer, lacrosse, etc. Assistant City Manager Cathy Ball said that this contract does not include the striping of the astroturf, only site work and installation. Football is a league sponsored by Parks & Recreation and the City has and worked with them in different ways like camps and little league football throughout the entire year. A concern we would have in just blank turf is there would be the perception that during soccer no one else would be able to use it. We will create a field that will be equitable and anyone playing on that field anytime of year. We can call the manufacturer of the turf and the stripping and put a hold on it for approximately $25,000. If Council chooses to do that, she felt Council could approve the contract today as there is enough work in the storm drainage underneath the turf as well as getting the bedding ready for the turf that it would not hold up the contract, and then direct staff to re-engage the community around the stripping for the turf.

It was the consensus of Council to direct staff to re-engage the community around the stripping for the turf.

RESOLUTION BOOK NO. 42 - PAGE 191

C. ORDINANCE NO. 4371 (14871) - BUDGET AMENDMENT FROM THE BURTON STREET NEIGHBORHOOD COMMUNITY LEADERSHIP ASSOCIATION AND A CITY MATCH TO FUND AN ARCHITECTURAL SURVEY OF THE BURTON STREET NEIGHBORHOOD

Action Requested: Adopt a budget amendment in the amount of $6,000 in the Special Revenue Fund to accept and budget a one-time donation in the amount of $4,000 from the Burton Street Community Leadership Association (BSCLA) to fund an architectural survey of the Burton Street Neighborhood and budget the City's match of $2,000 from the Planning & Urban Design Department's General Fund budget.

Background:

- In 2017, the City began working with the Burton Street Community Association Leadership Association to implement their neighborhood plan as a mitigation strategy for the I-26 Connector project.
- The Burton Street Neighborhood Plan identified implementation of design guidelines and policies that aim to preserve or enhance neighborhood character in order to minimize the impacts of renewed development interest in the neighborhood.
- As a first step in preserving neighborhood character, the City will work with BSCLA to hire a consultant to complete an architectural survey of the neighborhood that will ultimately inform a pattern book for the neighborhood.

- Though voluntary in terms of compliance, a pattern book is a helpful resource for prospective developers, real estate professionals and community members when building new infill development that is compatible with the neighborhood.
- BSCLA was awarded a Technical Assistance Grant in the amount of $4,000, which is being donated to the City to fund the project.
- Donated funds will be matched by the Planning & Urban Design Department in the amount of $2,000, for a total project budget of $6,000.
- Planning & Urban Design staff does not anticipate the project budget exceeding the allocated amount of $6,000; however, if additional funding is needed, it will be allocated from the Planning & Urban Design Department's budget.

Comprehensive Plan Consistency:
- This project aligns with the Living Asheville Comprehensive Plan's stated goal of elevating the arts and cultural sectors to strengthen and preserve heritage and history with particular attention to the preservation of areas with historic value to communities of color.

Council Goal(s):
- A Well-Planned and Livable Community; An Equitable and Diverse Community.
- A Connected and Engaged Community.

Pro(s):
- Funding will be available to research and document historic resources in the Burton Street Neighborhood.
- The City is partnering with BSCLA to assist in achieving the goals and strategies outlined in the Burton Street Neighborhood Plan.

Con(s):
- None

Fiscal Impact:
- This donation requires a match of $2,000 to be allocated from the training line item in the Planning & Urban Design Department budget.

Motion:
- Motion to adopt a budget amendment in the City's Special Revenue Fund in the amount of $6,000 utilizing the Burton Street Community Association Leadership funds and City matching funds.

ORDINANCE BOOK NO. 33 - PAGE 279

D. RESOLUTION NO. 21-88 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TARHEEL PAVING AND ASPHALT INC. FOR THE FISCAL YEAR 2021 ASPHALT PAVING PROGRAM

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Tarheel Paving and Asphalt, Inc. in the amount of $1,534,663.86, plus a 15% contingency of $230,199.58 ($1,764,863.44 total) for the Fiscal Year (FY) 2021 Asphalt Resurfacing contract.

Background:
- The main scope of the project is the resurfacing of 16 streets for a total of 4.45 miles.
- Also included will be repairs to the concrete sidewalk and ADA on four streets - Cedar Street, Kentucky Drive, Ottari Road and St. Davids Court.

- The contract was advertised on March 5, 2021 and bids were opened on April 1, 2021.
- The following bids were received:

Tarheel Paving and Asphalt, Inc. of Hendersonville, NC	$1,534,663.86
French Broad Paving, Inc. of Marshall, NC	$1,660,316.40
JLS Company, LLC of Hendersonville, NC	$1,991,269.60
Harrison Construction of Asheville, NC	$2,204,005.10
Bryant's Land and Developments Industries, Inc of Burnsville, NC	$2,575,441.10

- The contract is expected to be available on June 1, 2021 and the contractor has until December 15, 2021 to complete the work.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Staff also checked the NC Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Only one company from an identified disparity group was found in the ten-county area and staff directly contacted that company.
- The company did not bid as a prime, but is listed as a subcontractor with several of the prime bidders.
- Two MWBEs, both Black-owned, will be operating as subcontractors on the project.
- Tarheel Paving anticipates expending 3.71 percent ($56,915.00) of the total dollar amount of the contract with these companies.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Provides for the repair and resurfacing of many poorly rated city-maintained roads.
- Will make the sidewalks more ADA-compliant.

Con(s):

- Construction will be disruptive to the neighborhoods and to traffic.
- Efforts will be made to notify the public and minimize disruptions.

Fiscal Impact:

- Funding is provided in the Fiscal Year 2021 Streets Program. This funding is part of our annual resurfacing program and is not bond-funded. The total cost of this contract, including contingency, is $1,764,863.44.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Tarheel Paving and Asphalt, Inc. in the amount of $1,534,663.86 plus a 15% contingency of $230,199.58 for a total of $1,764,863.44, for the project known as FY 2021 Asphalt Resurfacing.

RESOLUTION BOOK NO. 42 - PAGE 192

Mayor Manheimer announced that there were no advanced live call-ins for items on the Consent Agenda.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Turner moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS: None

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO ARTICLES II AND XVI OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE DEFINITIONS AND REGULATIONS RELATED TO HOMESTAYS

Councilwoman Kilgore moved to continue this public hearing until May 25, 2021. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 21-89 - RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S ANNUAL ACTION PLAN FOR 2021-22 TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL CONTRACTS OR AGREEMENTS REQUIRED FOR THE IMPLEMENTATION OF THE 2021-22 ANNUAL ACTION PLAN

Mayor Manheimer said that this public hearing was held on April 27, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Turner moved to adopt a resolution authorizing submission of the City's Annual Action Plan for 2021-2022 to the U.S. Dept. of Housing & Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the 2021-2022 Annual Action Plan. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 193

VI. NEW BUSINESS:

A. FISCAL YEAR 2021-22 FEES & CHARGES

ORDINANCE NO. 4372 / 4872 ORDINANCE ADOPTING THE FISCAL YEAR 2021-22 FEES & CHARGES MANUAL

Finance Director Tony McDowell, along with Budget Manager Taylor Floyd, said that this is the consideration of an ordinance establishing the fees and charges for Fiscal Year (FY) 2021-22.

Background:

- Fees and charges comprise 35% of City-wide revenue and 10% of General Fund revenue.
- In an effort to limit the financial impact of the COVID-19 pandemic some fees were waived, late charges were deferred, and no increases were proposed in FY21.
- An attachment was provided of detailed information for proposed fee adjustments submitted during this year's annual budget process, including impacts on revenues, customers and service provision.
- Recommendations for changes to Water Resources rates and to formally include existing fee discounts offered to nonprofits for special events are included in separate staff reports.
- Adjustments to fees charged for stormwater and sanitation services are not recommended for adoption at this time.
- Instead, staff recommends a midyear review of stormwater and sanitation services during the next fiscal year (FY22) that includes more detailed information about service needs and financial context.
- Changes recommended for adoption include adjustments to fees and charges for
    - transit advertising,
    - design and subdivision review in special review areas,
    - sidewalk fee-in-lieu payments,
    - WNC Nature Center admissions,
    - fire safety inspections, and
    - monthly on-street, garage, and off-street lot parking.
- All recommended fee adjustments would become effective July 1, 2021, with the exception of changes to parking garage hourly rates.
- Parking garage rate changes would become effective with the completion of the replacement of garage gating equipment which is anticipated to be June 1, 2021.

Committee(s):

- Finance & Human Resources Committee - April 21, 2021 - unanimously recommended to move forward to full Council with the exception of a proposed $1.00 charge for the first hour of parking in garages. The new proposal recommends continuing the first hour of garage parking free of charge. This change will result in a $170,000 decrease in anticipated additional revenue.

Pros:

- Provides an opportunity to recover the cost of services from those that directly utilize or benefit from the service where appropriate, reducing the financial burden of City services on taxpayers.
- Provides additional revenue to help balance the FY 2021-22 budget.
- Allows staff to begin communicating fee changes to the public, customers, and stakeholders so they are aware of changes that will be implemented.

Con:

- A minimal increase in the cost to utilize certain city services.

Fiscal Impact:

- Additional for each proposal are shown in an Attachment A provided to City Council.

Suggested Motion:

- Motion to approve an ordinance amending the fees and charges manual for Fiscal Year 2021-22.

Budget Manager Floyd pointed out an error in the fee structure for parking garage, lot and meter fees. He said staff will review (not remove) existing discounted monthly garage parking rates for Vanderbilt and Battery Park residents at the Harrah's Center garage and monthly lots.

In response to to Councilwoman Roney, Assistant Transportation Director Jessica Morriss said that we have not only raised the fee-in-lieu-of for sidewalks to a per square footage charge to cover the actual cost of the sidewalk installation, but have added some additional criteria to make it more difficult for a developer to opt out of building sidewalks or building Americans with Disabilities Act curb cut ramps.

When Councilwoman Turner asked if we could raise the fees in the major works category since larger hotels require more staff time to review, City Attorney Branham said that this will require more research to make sure that we are fully prepared and authorized to make such an additional level of delineation. Generally speaking we are allowed to charge these types of fees and he believes the level of the fee has to be based on the project impacts on the surrounding area, as well as being reasonably proportional. If we have a certain project that will have a greater degree of impact, including on the existing infrastructure, etc., then the possibility to charge a larger fee is possible. He said we would need to review that on multiple levels.

In response to Vice-Mayor Smith, Transportation Director Ken Putnam said that we are only eliminating coins at the parking garages and that currency will still be accepted by the machines.

Mayor Manheimer announced that there were no advanced live call-ins for this item.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Wisler moved to approve an ordinance amending the fees and charges manual for Fiscal Year 2021-22. This motion was seconded by Vice-Mayor Smith and carried unanimously.

ORDINANCE BOOK NO. 33 – PAGE 280

ORDINANCE NO. 4374 / 14873 ORDINANCE ESTABLISHING FISCAL YEAR 2021-22 WATER RESOURCES FEES & CHARGES

Finance Director Tony McDowell, along with Water Resources Director David Melton, said that this is the consideration of an ordinance establishing the Fiscal Year 2021-22 Water Resources fees and charges.

Background:

- Fees and charges fully fund the Water Resources Department functions.
- The Department does not receive any funding from the General Fund.
- In 2018 the North Carolina Supreme Court issued an opinion in the case of Quality Built Homes Inc. v. Town of Carthage.
- In this opinion the Court determined that cities were not permitted to charge water and sewer "impact fees."

- Thereafter, law firms began filing lawsuits against cities throughout the State who had charged these fees in recent years.
- Asheville was also named in two class action lawsuits based upon its Capital Improvement Program (CIP) Fee for water service.
- These lawsuits were settled without any admission of liability by the City.
- The settlement, however, included an agreement to discontinue the CIP fee at the beginning of FY 2020-21.
- The financial impact of this agreement was approximately $2,100,000 for settlements, and approximately $7,500,000 in annual revenue from the CIP fee.
- Water Resources has averaged reinvesting approximately $11,000,000 annually over the past three years in capital improvement projects.
- Loss of the CIP fee revenue has a direct impact on the Department's ability to continue reinvesting in the sustainability of the water system.
- Loss of the CIP fee also impacts the revenue coverage ratio that debt rating agencies, such as Standard & Poor's and Moody's, use to evaluate the credit worthiness of the water system.
- The loss of annual revenue and the impact on the ability to reinvest in the water system necessitated a rebuild of the current Water Resources rate model.
- Raftelis Financial Consultants, Inc. was secured to perform the rebuild of the rate model, which was completed earlier this year.
- An attachment was provided of the overview of the rate model realignment proposal for the various customer classes.
- The proposed rates for FY 2021-22 are slightly higher than current charges, but are less than customers were charged in FY 2019-20 prior to the lawsuit settlements.
- Staff will work with the consultants from Raftelis to refine rate realignment recommendations for Council consideration in future years, which will allow the system to meet its financial requirements while continuing to evaluate the differential between the residential and commercial customer classes.

Committee(s):

- Finance & Human Resources Committee - April 21, 2021 - unanimously recommended to move forward to full Council.

Pro(s):

- Provides an opportunity to recover the cost of services from those who directly utilize or benefit from the service.
- Provides the revenue to continue much needed reinvestment into the water system to maintain sustainability.
- Provides required debt coverage ratios and credit ratings.
- Allows staff to begin communicating fee changes to customers and stakeholders so they are aware of changes prior to the effective date.

Con(s):

- A small increase to current annual costs to customers.
- Additional customer rate increases will likely be required in future years.

Fiscal Impact:

- The bi-monthly impact on the average residential household is shown below. As noted above, detail for all customer classes is included as an attachment to this staff report.

2020 including CIP charge	2021 without CIP charge	2022 proposed fees & charges
$65.38	$56.86	$63.29

***3.2% Decrease from 2020 to 2022**

Mayor Manheimer announced that there were no advanced live call-ins for this item.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mosley moved to approve an ordinance establishing the Fiscal Year 2021-22 Water Resources Fees & Charges. This motion was seconded by Councilwoman Wisler and carried on a 6-1 roll call vote with Councilwoman Roney voting "no."

ORDINANCE BOOK NO. 33 – PAGE 299

ORDINANCE NO. 4374 (14874) - ORDINANCE AMENDING THE FISCAL YEAR 2021-22 FEES & CHARGES MANUAL TO INCLUDE A SPECIAL EVENT FEE DISCOUNT

Budget Manager Taylor Floyd said that this is the consideration of an ordinance amending the Fiscal Year 2021-22 Fees & Charges Manual to include a special event fee discount.

Background:

- The City has historically offered a fee discount to events produced on public space by non-profit organizations.
- The discount has been attached to the Strategic Event Partnership program and approved by Council resolution.
- Since the discount was approved by a Council resolution specific to that program, it was not included in the Fees & Charges Manual.
- The Strategic Event Partnership program expired at the end of 2019, and along with it, authorization for the discount.
- To continue offering the discount, staff is recommending an addition to the Fees & Charges Manual that states the following:
    - 75% discount provided to state registered and federal 501c non-profit organizations for outdoor special events that are open to the public and produced on public property.
    - This discount would apply to Property Use Fees and Permit Fees only.

Committees:

- This fee change was not reviewed by the Finance and Human Resources Committee as it is not a change, rather a formalization of the fee discount by adding it to the manual.

Pros:

- Provides authorization through the Fees and Charges Manual for the City to continue to offer the current Special Event Fee Discount.

Cons:

- None.

Fiscal Impact:

- The reduction in fee revenue from this program was already included in the revenue estimates for the current fiscal year.

In response to Councilwoman Wisler, Community Event Manager Jon Fillman said that all 501 (c) on-profits, including churches registered in the State of North Carolina, are eligible for the special event fee discount.

When Councilwoman Roney asked if we are able to assess the fees by use (commercial vs. manufacturing) or by the size of the meter, Water Resources Director David Melton said that the differentials that we had in place are still there, plus the base fee. If someone has the larger meter, they will pay a higher base fee.

Councilwoman Roney understood it is important to keep our water infrastructure updated; however, was concerned that we are in a year of recovery and that we might consider shifting some of that burden to our high volume commercial or manufacturing and lessen the burden on our residential and smaller commercial.

Mayor Manheimer announced that there were no advanced live call-ins for this item.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Roney moved to approve an ordinance amending the Fiscal Year 2021-22 Fees & Charges Manual to include a special event fee discount. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 301

B. BOARDS & COMMISSIONS

RESOLUTION NO. 21-90 - RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee.

On March 23, 2021, by Resolution No. 21-58, City Council revised the membership of the Affordable Housing Advisory Committee to include a Housing Authority staff member and a person with general housing experience. In addition, Parker Smith (general housing experience)has resigned, thus leaving an unexpired term until September 1, 2023.

The following individuals applied for the vacancies: Rodrigo Afanador, Damita Jo Wilder, Eric Howell, Michael Waddle, Joshua Katz, ZaKiya Bell-Rogers, Henry Sannyasa, Cyd Jaggers, Chris Woodward, Jessica Montanez, Shannon M. Watkins, Chris Day, Jessie Figueroa, Kyle Gilliland, Brandy Woodward, Jeffrey Vanderlip and Katleen Hasegawa.

The Boards & Commissions Committee recommended appointing Brandy Woodward (HACA staff member), Chris Day (general housing experience) and ZaKiya Bell-Rogers (general housing experience).

Vice-Mayor Smith moved to appoint Brandy Woodward (HACA staff member) and Chris Day (general housing experience) as members of the Affordable Housing Advisory Committee, to each serve until September 1, 2021, and then to each serve a fully three-year term, terms to expire September, 2024, or until their successors have been appointed; and (2) appoint ZaKiya Bell-Rogers (general housing experience) to fill the unexpired term of Parker Smith, term to expire September 1, 2024, or until ZaKiya Bell's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 196

RESOLUTION NO. 21-91 - RESOLUTION APPOINTING MEMBERS TO THE CIVIL SERVICE BOARD

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Civil Service Board.

The terms of Carol Goins and Carter Webb as members of the Civil Service Board expire on May 11, 2021.

No one applied for the vacancies.

The Boards & Commissions Committee recommended reappointing Carol Goins and Carter Webb.

Vice-Mayor Smith moved to reappoint Carol Goins and Carter Webb as members of the Civil Service Board, to each serve an additional two-year term respectively, terms to expire May 11, 2023, or until their successors have been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 197

RESOLUTION NO. 21-92 - RESOLUTION APPOINTING MEMBERS TO THE DESIGN REVIEW COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that on February 23, 2021, City Council adopted an ordinance regulating hotel development standards and part of that ordinance was the formation of a new Design Review Committee to review applicable hotel applications in the Central Business District or the River District. Four members shall be current members of the Downtown Commission, four members shall be current members of the Asheville Area Riverfront Development Commission, and one member will be appointed by the other eight.

The following individuals applied for the vacancies by the representations of the Downtown Commission or the Riverfront Redevelopment Commission. From the Downtown Commission: Guillermo Rodriguez, Steven Lee Johnson, Kimberly Hunter, Robin Raines and Bryan Moffitt. From the Riverfront Redevelopment Commission: Jane Mathews, Ben Williamson and Jeremy Goldstein.

On April 27, 2021, the Boards & Commissions Committee recommended appointing Robin Raines, Steven Lee Johnson, Kimberly Hunter and Guillermo Rodriguez from the Downtown Commission; and Jane Mathews, Ben Williamson and Jeremy Goldstein from the Riverfront Redevelopment Commission, with the last seat to be filled by a member of the Riverfront Redevelopment Commission at a later date.

Councilwoman Turner said that Guillermo Rodriguez currently serves on the Planning & Zoning Commission and the Downtown Commission and since those are two large boards, she spoke with Mr. Rodriguez who said that he would reapply for the Design Review Committee next year.

Councilwoman Turner moved to appoint Robin Raines, Steven Lee Johnson, Bryan Moffitt and Kimberly Hunter from the Downtown Commission as members of the Design Review

Committee. All term expirations are to coincide with their term expiration on the Downtown Commission, or until their successors have been appointed. This motion was seconded by Councilwoman Kilgore.

When Councilwoman Wisler asked if Mr. Moffitt was a City resident, Councilwoman Turner replied that he is not, but he is the County appointee on the Downtown Commission and is highly recommended. Because the City normally appoints City residents unless a person has special expertise that we cannot find in our pool of applicants, and because we already have several landscape architects in the applicant pool on the Design Review Committee, she felt Mr. Moffitt would be a good fit.

Councilwoman Roney felt that if Mr. Rodriguez was appointed that this would be an opportunity to have insight from the Planning & Zoning Commission as well. Therefore, she asked for a friendly amendment to appoint Guillermo Rodriguez instead of Steven Lee Johnson.

Councilwoman Turner did not accept Councilwoman Roney's friendly amendment, at which time the original motion made by Councilwoman Turner and seconded by Councilwoman Kilgore carried on a 5-2 vote, with Councilwoman Roney and Councilwoman Mosely voting "no."

Vice-Mayor Smith moved to appoint Jane Mathews, Ben Williamson and Jeremy Goldstein from the Riverfront Redevelopment Commission as members to the Design Review Committee. All term expirations are to coincide with their term expiration on the Riverfront Redevelopment Commission, or until their successors have been appointed. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote..

RESOLUTION BOOK NO. 42 – PAGE 198

RESOLUTION NO. 21-93 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission.

The terms of Tanya Rodriguez, Anne Greene, Veronica Coit, DeLores Venable and Raynette Waters expire on June 1, 2021.

The following individuals applied for the vacancies: Bernie Lee Miller, Alexandra DISclarfani, Brittni Worley, Ricky McGrath, Emma Nichole Worthy, Tim Collins and Amanda Benson-Bremseth.

The Boards & Commissions Committee recommended reappointing Tanya Rodriguez, Veronica Coit and DeLores Venable; appointing Emma Worthy; and continuing to advertise for the other vacant seat.

Vice-Mayor Smith moved to (1) reappoint Tanya Rodriguez, Veronica Coit and DeLores Venable as members of the Human Relations Commission, to each serve a two-year term respectively, terms to expire June 1, 2023, or until their successors have been appointed; and (2) appoint Emma Worthy to serve a two-year term, term to expire June 1, 2023, or until Emma Worthy's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 199

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 2 individuals spoke to Council for several reasons, some being, but are not limited to: the lack of knowledge of how the Americans with Disabilities Act compliance works in the City; and the history of Asheville in 1931.

Closed Session

At 6:34 p.m., Councilwoman Roney moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(5). This motion was seconded by Councilwoman Turner.

Councilwoman Wisler said "I understand that we are looking to purchase property for a shelter for our houseless community. But this is far bigger than the purchase of real estate. This is making the commitment to act as the lead agency in addressing the region's homelessness issue. This is making a significant strategic shift in the role of the City. In the past, the City has spent hundreds of thousands of dollars participating with other agencies in addressing the homelessness issue. By even discussing this purchase, we are fundamentally changing the City's role. We will lead the effort. Let me be clear, this is not just a real estate transaction. Homelessness is a huge issue. Homelessness is a crisis. The causes of homelessness are extremely difficult issues and must be addressed on a regional basis. We and the entire country have a huge problem around homelessness and the attendant issues. No one wants the City's parks and open spaces taken over by homeless camps. However, no one wants to just chase our houseless neighbors to another community either. This is a big issue and the City has a significant role to play around this issue. However, the City has no or very little expertise with running a shelter or providing wrap around services. Several regional nonprofits have run or are running shelters. The County has not only the expertise in providing wrap around services but it has the obligation to provide health and human services under North Carolina law. The City will, if this property is acquired, take on the lead role in providing shelter and in providing health and human services. We cannot take this role without regional non-profits, our business, residential and faith communities and the County government partnering with us. We need their long-term commitments if we are to take on this role. Following CDC guidelines during the pandemic has required the City to provide alternatives for shelter if homeless camps are being eliminated. The City has done that and paid for that using federal funds. However, those federal funds will be exhausted within 2 years. After those 2 years, the City will still own a shelter. The City will still own its lead role as the solver of the regional homelessness issue. The City will still have the primary responsibility for providing shelter and health and human services for the homeless population. While we've taken this role on during the pandemic, are we ready to take on this role indefinitely without long-term commitments from our partners? The residents of Asheville have not seen this proposal. They have not seen an estimate of the costs. They have not seen the partnerships that may or may be in place to assist the City in this effort. By discussing this acquisition of property, we will be authorizing staff to approach other people and make offers to purchase property. In good faith, those other people should be able to trust that the City staff has authority to complete a transaction. I don't want to pull the rug out from anyone who, in good faith, negotiates with the City. So if Council authorizes the staff to go ahead with a transaction, effectively Council has authorized a major shift in the City's role around homelessness. Rather than discussing this publicly, we will go into closed session and make this decision. Once staff is authorized to negotiate, the horse has left the barn so to speak. While I recognize the City's

obligation during the pandemic, I am uncomfortable with a long-term obligation without partnerships cemented in place. I want input from our community. I want a clear path to funding. The property owners of Asheville should not be required to assume all of this obligation given the potential other available resources, the City's lack of expertise around operating a homeless shelter and given the regional nature of the homeless issue. We cannot be in this alone. "

The motion made by Councilwoman Roney and seconded by Councilwoman Turner carried on a 5-2 vote with Councilwoman Mosley and Councilwoman Wisler voting "no."

At 8:21 p.m., Councilwoman Wisler moved to come out of closed session. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:21 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – May 25, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 11, 2021

B. RESOLUTION NO. 21-94 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH CURBSIDE MANAGEMENT INC. FOR THE RECYCLING COLLECTION PROGRAM

Action Requested: Adoption of a resolution authorizing the City Manager to amend the recycling collection contract with Curbside Management.

Background:

- The City contracts with Curbside Management to provide recycling collection and processing services for City residents and City facilities.
- The current contract is set to expire June 30, 2021.
- Staff is recommending that the current contract be amended to extend the contract for an additional five years, to make minor modifications to the general contract language, and to adjust the base pricing.
- Starting in 2017, China, followed by other countries, stopped importing recyclable waste. With little recycling infrastructure present in the United States, processors had few to no options for recycling collected materials.
- Global recycling markets are still unstable, infrastructure development in the United States is slow, and the timing of overall market recovery is still unknown.
- For the past two years, Finance, Public Works, and Office of Sustainability staff have been closely monitoring the global recycling crisis and its impact on municipalities.
- Due to the crisis, resulting price spikes, and uncertainty around recovery, staff have observed municipalities cutting recycling programs and haulers/bidders proposing very high fees or declining to bid on recycling contracts.
- The Recycling Partnership's 2020 State of Curbside Recycling Report finds that, for communities who charge residents the full cost of recycling service, the average fee is $4.39-$4.56 per month.
- Subscription service examples ranged from $5.30-$8.25 per month per household.

- For communities who subsidize the cost of recycling for residents, the average fee to residents is $6.05 per month.
- The COVID-19 pandemic has created additional unknowns about budgets and economic conditions, as well as placed additional burdens on staff capacity.
- Maintaining our current level of service at a known price allows for more accurate budget planning and continuity of service during this time.
- The current contractor, Curbside Management, will continue to provide the same recycling services at an affordable rate.
- Curbside Management's thoughtful planning and foresight has enabled them to continue to offer recycling to the community during a time when other municipalities have made deep cuts or completely shut down their recycling programs.
- As both hauler and processor of recyclables, Curbside Management has a vested interest in helping the City improve recycling rates and reduce contamination.
- However, Curbside Management will increase the cost of providing this service.
- Factors contributing to the rate increase include, but are not limited to:
    - low commodity value;
    - increased insurance costs for recycling processors due to fire risk;
    - increased labor costs;
    - investment in equipment to stay viable in restricted national markets;
    - bonding costs; and
    - a lack of sustainable rate increases over the course of the 10 year contract due to low CPI rates.

Vendor Outreach Efforts:

- Curbside Management is a local business that provides a unique and specialized service to the City for both curbside collection and recyclable processing.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Ensures continuity of recycling collection services to City residents during uncertain times.
- Allows time for clear budget planning during a time of unstable market and economic conditions.

Con(s): None

Fiscal Impact:

- The cost to the City for residential recycling increases from $3.15/month to $3.80/month. The solid waste fee to residents of $14/month for trash, recycling, and yard waste is not increasing at this time.
- Estimated total impact of $1.6 million annually, which is an annual increase of approximately $296,000 from the FY21 contract.

Motion:

- Motion authorizing the City Manager to amend the recycling collection contract with Curbside Management.

RESOLUTION BOOK NO. 42 - PAGE 200

C. **RESOLUTION NO. 21-95 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BROOKS NETWORK SERVICES, LLC, FOR THE REPLACEMENT AND INSTALLATION OF CAMERAS AT THE MUNICIPAL BUILDING**

Action Requested: Adoption of a resolution authorizing the City Manager to enter a contract with Brooks Network Services, LLC for the replacement and installation of cameras at the Asheville Police Department.

Background:

- The existing and traditional Network Video Recorder (NVR) equipment have reached the end of their useful lives and will be replaced with a cloud-based camera system.
- This project will replace fifty-five cameras with new cameras.
- This project will also add eight new cameras, one internal and the remaining seven to the exterior of the building, to expand coverage beyond the existing system.
- The bids for the three vendors were:
    - Brooks Network Services - Gibsonville, NC: $99,975.27;
    - Brady Integrated Security - Greensboro, NC: $155,984.00;
    - Appalachian Network Services - Fletcher, NC: $103,774.90
- The lowest responsive responsible bidder was Brooks Network Services, LLC.

Vendor Outreach Efforts:

- A Request for Proposals (298-ITMUNICAM21-2) was posted on March 26, 2021.
- Once posted, the Asheville Business Inclusion Office notified vendors of this opportunity in their email newsletter.
- Staff also reviewed the State's IPS (Interactive Purchasing System) site for HUB (Historically Underutilized Businesses) vendors in our ten-county region and in North Carolina.
- Three bids were received, but no bids from MWBE businesses.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Replaces end-of-life security cameras and adds additional security for unserved areas.
- Provides tools for remote management and off-site storage of recordings for added resiliency and reduced ongoing recording infrastructure costs.

Con(s):

- None noted.

Fiscal Impact:

- The awarded quote was for $99,975.27 which includes equipment, installation, and five-year term licenses for the cameras.
- Funding for this project is already included in the adopted General Capital Projects Fund and General Fund budgets.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter a contract with Brooks Network Services, LLC for the replacement and installation of cameras at the Asheville Police Department.

RESOLUTION BOOK NO. 42 - PAGE 201

D. ORDINANCE NO. 4375 (14875) - BUDGET AMENDMENT FROM ROTARY CLUBS OF ASHEVILLE-BILTMORE AND ARDEN AND MONTFORD NEIGHBORHOOD ASSOCIATION FOR BUS STOP IMPROVEMENTS

Action: Adopt a budget amendment to accept a $16,000 donation from the Rotary Club of Asheville- Biltmore, the Rotary Club of Arden, and the Montford Neighborhood Association for bus stop improvements, and allocate the funds to the Transit Capital Fund.

Background:

- The Transportation Department has been working with community organizations in the City to provide donations to install the city standard bus shelters along Asheville Rides Transit bus routes.
- The Rotary Club of Asheville-Biltmore and Rotary Club of Arden will provide $14,000 to purchase and install two bus shelters at bus stops on Hendersonville Road including the bus stop on Hendersonville Road at Gerber Road and on Hendersonville Road at Turtle Creek, serving the S3 and S6 bus lines.
- The Montford Neighborhood Association will provide $2,000 to replace an existing bus shelter and add a trash can located on Montford Avenue at Bulldog Drive, serving the N4 bus line.
- The City will provide the bus shelter.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Provides funding for improved comfort for transit users at the three bus stop locations.

Con(s):

- None

Fiscal Impact:

- Funds from the Rotary Clubs and Montford Neighborhood Association will be used as matching funds for the $1 million federal grant for bus stop improvements.

Motion:

- Motion to adopt a budget amendment in the amount of $16,000 from a donation from the Rotary Club of Asheville-Biltmore, the Rotary Club of Arden, and the Montford Neighborhood Association for bus stop improvements, and allocate the funds to the Transit Capital Fund budget.

Mayor Manheimer thanked the Rotary Clubs of Asheville-Biltmore and Arden and the Montford Neighborhood Association for their donations for the bus stop improvements.

ORDINANCE BOOK NO. 33 - PAGE 302

E. **RESOLUTION NO. 21-96 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY A SERIES OF CONTRACTS/CONTRACT AMENDMENTS TO SUPPORT EMERGENCY NON-CONGREGATE HOMELESS SHELTER AT LOCAL HOTELS FOR PEOPLE EXPERIENCING HOMELESSNESS**

ORDINANCE NO. 4376 (14876) - BUDGET AMENDMENT FROM THE AMERICAN RESCUE PLAN TO SUPPORT EMERGENCY NON-CONGREGATE HOMELESS SHELTER AT LOCAL HOTELS FOR PEOPLE EXPERIENCING HOMELESSNESS

Action(s) Requested: Ratify the execution of a series of contracts / contract amendments to support emergency non-congregate shelter at local hotels for people experiencing homelessness and associated budget amendment in the Special Revenue Fund in the amount of $438,000 from American Rescue Plan (ARPA) funding to fund the contracts and allocate a contingency.

Background:

- The City has made arrangements with three local hotels (Five P Mountain, LLC; Bhuna Corporation; and ATL Hospitality, LLC) for rooms to serve people experiencing homelessness who were previously camping on public property.
- These contracts allow for the City to provide a shelter option for people who have been given notice to dismantle their camps.
- Sunrise Community for Recovery & Wellness has agreed to provide on-site supportive services to support homeless individuals at these locations.
- Axis Security has agreed to provide on-site security.
- This initiative has served 116 people experiencing homelessness.
- Based on the housing of individuals at the Red Roof Inn (not a part of this contract), 27% of the individuals placed in non-congregate housing have been permanently housed. We would hope to see the same percentage of people become permanently housed within the next year.

Council Goal(s):

- A Well-Planned and Livable Community
- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Addresses public health and safety
- Provides a shelter option to address the needs of the homeless

Con(s):

- None

Fiscal Impact:

- Allocate funds from the American Rescue Plan in the Special Revenue Fund in the amount of $438,000 for a series of contracts / contract amendments for homeless non-congregate housing interventions at local hotels.
- Along with previously authorized funds, this action brings the total budget for this initiative to $906,407.

Motion(s):

- Motion to adopt a resolution ratifying the execution of a series of contracts / contract amendments to support an emergency non-congregate shelter at local hotels for people experiencing; and a budget amendment in the amount of $438,000 from American Rescue Plan (ARPA) funding to fund the contracts and allocate additional contingency.

RESOLUTION BOOK NO. 42 - PAGE 202
ORDINANCE BOOK NO. 33 - PAGE 303

F. RESOLUTION NO. 21-97 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TRAFFIC REVIEW AND INSPECTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CITY TO DESIGN AND INSTALL A FIRE PREEMPTION TRAFFIC SIGNAL AT THE NEW FIRE STATION ALONG BROADWAY STREET

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a traffic review and inspection agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of fire preemption phasing for Fire Station #13 at the existing signalized intersection of SR 1781 (Broadway Street) and Chestnut Street / Mt. Clare Avenue and to submit payment to NCDOT in the amount of $7,500 upon partial execution of the agreement by the City.

Background:
- The City has plans to construct a new fire station (#13) at 316 Broadway Street.
- The project includes fire preemption phasing at an existing signalized intersection.
- The City has prepared the appropriate design to add fire preemption phasing and will be furnishing and installing the appropriate equipment.
- The NCDOT will review the designs and inspect the work during the construction phase.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- The fire preemption phasing will enable fire trucks to leave the station in a safe and efficient manner during emergencies.
- The NCDOT will own and control the traffic signal (and associated equipment) and maintenance will be accomplished according to their current policies and procedures.

Con(s):
- None

Fiscal Impact:
- The fiscal impact is estimated to be $7,500 and the City must submit payment upon partial execution of the agreement by the City.
- The funds are included in the project budget for Fire Station #13.

Motion:
- Motion to authorize the City Manager to enter into and execute a traffic review and inspection agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of fire preemption phasing for Fire Station #13 at the existing signalized intersection of SR 1781 (Broadway

Street) and Chestnut Street / Mt. Clare Avenue and to submit payment to NCDOT in the amount of $7,500 upon partial execution of the agreement by the City.

RESOLUTION BOOK NO. 42 - PAGE 203

G. RESOLUTION NO. 21-98 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PBMARES, LLP, FOR AUDITING CITY ACCOUNTS FOR FISCAL YEAR ENDING JUNE 30, 2021

Action Requested: Adoption of a resolution authorizing the Mayor to execute a contract with PBMares, LLP for auditing City accounts for fiscal year ending June 30, 2021.

Background:

- North Carolina General Statute §159-34 requires that local governments have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission.
- Staff recommends retaining the services of PBMares, LLP to conduct an audit of the City's accounts for the fiscal year ending June 30, 2021.
- The estimated cost for fiscal year 2020-2021 audit includes a base fee of $100,640, which covers 900 hours of audit work; and a $125 per audit hourly fee for each hour over 900 hours up to a maximum total of 25% of the base fee ($25,160), for a maximum total fee of $125,800.
- The previous years' fees, which only included base fees, were as follows:
  - 2019-2020: $98,200
  - 2018-2019: $95,760
  - 2017-2018: $93,340
- Execution of this contract complies with the Audit Policy portion of City Council's Financial Policies which states that the City "shall enter into multi-year agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements."
- This will be the fourth consecutive year of contracting with the same auditors.
- In the previous three years, the City contracted with RSM US LLP to perform the City's audit.
- This past year, RSM US LLP sold their North Carolina government practice to PBMares, LLP, and our multi-year agreement transferred to PBMares, LLP as part of that sale.

Vendor Outreach Efforts:

- No competitive bid process was conducted this year.

Council Goal:

- Financially Resilient City

Committee:

- No prior Committee approval.
- Final audit results are presented annually to the Audit Committee.

Pro:

- Contracting with PBMares, LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con:

- None

Fiscal Impact:

- The maximum total fee amount of $125,800 for the annual audit is budgeted in the Internal Audit operating budget.

Motion:

- Move to adopt a resolution authorizing the Mayor to execute a contract with PBMares, LLP for auditing City accounts for the fiscal year ending June 30, 2021.

RESOLUTION BOOK NO. 42 - PAGE 204

H. RESOLUTION NO. 21-99 - RESOLUTION APPROVING THE RESCISSION OF THE HOUSING TRUST FUND LOAN PREVIOUSLY AWARDED TO THE JUNA GROUP AND THE REALLOCATION OF THESE FUNDS TO THE HOUSING TRUST FUND BALANCE

Action Requested: Request to rescind the Housing Trust Fund award of $1,100,000 as requested by Juna Group Inc.

Background:

- City Council approved Juna Group Inc.'s Housing Trust Fund award for $1,100,000 on September 22, 2020, Resolution #20-169.
- The award was to develop eleven, for-sale, affordable homes at Alice Clement Lane.
- Since September, staff has worked closely with the developer to close on the loan.
- Conditions of the Housing Trust Fund policy were becoming difficult to meet and the loan was never closed on.
- The developer has since requested to return the Housing Trust Fund award citing the increased price for materials and labors which has made it no longer possible to build and sell to individuals and families at or below 100% Area Median Income (AMI) per the Housing Trust Fund guidelines and remain profitable.

Council Goal(s):

- Quality Affordable Housing

Committee(s):

- Housing and Community Development Committee (HCD) April 20, 2021 - Approval.

Pro(s):

- While this development is no longer feasible, funds will be returned to the Housing Trust Fund balance for future use.

Con(s):

- Increasing construction costs are making it difficult for all developers to add affordable housing units.

Fiscal Impact:

- The proposal and resolution will unallocate $1,100,000 awarded to the Juna Group and reallocate these funds back to the City's Housing Trust Fund balance for future use and loans.

Motion:

- Motion to approve the request by Juna Group Inc. to rescind the $1,100,000 Housing Trust Fund award and reallocate funds to the Housing Trust Fund available balance.

RESOLUTION BOOK NO. 43 – PAGE 205

Mayor Manheimer announced that there were no advanced live call-ins for items on the Consent Agenda.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Turner moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. PRESENTATION OF THE FISCAL YEAR 2021-22 ANNUAL OPERATING BUDGET

City Manager Campbell said that it was only a few months ago that Council approved the Fiscal Year (FY) 2020-21 budget. Our budgets are usually adopted by July 1. As you know, last year was a very unusual year. Tonight staff will be presenting the FY 2021-22 Manager's Budget. Although this was an extremely abbreviated budget cycle, in terms of the actual time that we had to develop the budget, we were able to include more Council worksessions, more opportunities for community input and for the first time, we even added input sessions for all our employees. This additional effort was made possible by our incredibly hard-working staff principally led by our Finance & Management Services Department, with help from the Office of Equity & Inclusion, Community & Public Engagement, our newly created Office of Data and Performance, and other internal departments. The Finance & Management Services Department deserves extra acknowledgement and praise because they managed all this in the midst of a change in leadership and did it seamlessly without missing a beat or any deadlines. And of course, she wanted to thank City Council for their patience, attention and input provided throughout this process. She also thanked the community and our consultants (Amplify Consulting and Dual Vida Enterprises) who helped with the Reimagining Public Safety Part 2 discussions.

She said this is the Manager's proposed budget and as usual staff from Finance & Management Services will be presenting most of the information. This will include information we have shared with you over the past several worksessions so we won't be spending a lot of time on those slides, but in case there were people in the community who are seeing this information for the first time, we wanted to provide context and rationale for the recommendations.

She explained the presentation overview being (1) budget process review; (2) overview of proposed Fiscal Year (FY) 2021-22 budget (a) budget summary and highlights; and (b) investment in Council priorities; and (3) next steps (a) public hearing and budget adoption; and (b) ongoing work on Rescue Plan and other initiatives.

She said key takeaways from this presentation will be (1) proposed budget is based on internal work, Council priorities, and community input including a continuation of the reimagining public safety process; and (2) proposal is a balanced and fiscally responsible budget (a) funds investments in Council priorities through a property tax rate above revenue neutral; (b) funds to support core community services in a time of rising costs; (c) strategically utilizes fund balance to advance goals; and (d) continues funding for capital improvements program.

Finance Director Tony McDowell then reviewed the FY 2021-22 proposed budget overview. He reviewed the internal budget development process drivers, challenges identified and response strategies; the community engagement update process drivers, challenges identified and response strategies; and City Council strategies and priorities' process drivers, challenges identified and response strategies. From the community engagement sessions, there was interest in understanding how budget affects individuals and how to make an impact on

budget decisions; increased access, convenience and transparency; clearer, plain language communication; being part of resource allocation and prioritization; empowered decision-making; and neighborhood level investments. From employee engagement sessions, there was interest in compensation as an important part of feeling valued; more staff resources to address both Council priorities and core service delivery; more strategically using existing resources; and more coordinated community engagement. He then reviewed the proposed budget fund summary, and the General Fund overview.

Finance Director McDowell provided highlights of draft investments in reparations; neighborhoods & housing; youth; reimaging public safety (safe communities); transportation; environment; economic development; and employees and workforce. From the new investments totaling $9.9 Million against the available funding of $4.3 Million, there is a gap of $5.7 Million.

Finance Director McDowell used a chart to review the property tax rate history. In order to fund the new investments and close the gap, we propose we set the tax rate 3-cents above the neutral tax rate - 41.30.

After the budget presentation, next steps include (1) develop spending plan for American Rescue Plan (ARPA); (2) continue reimagining public safety work, including (a) planning with Buncombe County for 911 consolidation utilizing existing Asheville Police Department (APD) telecommunications budget; (b) assess APD's role in Asheville Housing Authority properties and Asheville City Schools; and (c) develop budget proposals for crisis response team for mental health and substance abuse and houselessness response team; (3) reparations process (a) information and truth telling speaker series; and (b) establish Community Reparations Commission; (4) partner with Buncombe County on homeowners' tax assistance program; (5) work with community partners to identify recreation programming needs; and (6) midyear assessment of stormwater and sanitation services.

Throughout discussion, City Manager Campbell, along with Finance Director McDowell, responded to various questions/comments from Council, some being, but are not limited to: what percentage will our fund balance be after taking money from it for the reparations investments; request to separate out one-time allocations from recurring expenses; request for reparations fund to be a recurring expense, and why it is not, noting that a funding source will be needed to fund reparations; confirmation that the reparations amount of $1.2 Million is coming from fund balance and not through a tax increase; confirmation that racial healing grants are still included in the budget; consideration to pass the $1.2 Million for reparations at the June 8 meeting before Juneteenth since it is coming from fund balance; suggestion to use the $1.2 Million from White Labs sale to fund the reparations fund and use the $1.2 Million in fund balance to fund other costs; request to have information on balances of Housing Trust Fund, land banking, etc.; suggestion to use land banking funds (from bond monies that must be used by November 2023) to fund the purchase of the Talbert lot at 50 Asheland Avenue; and request for list of current vacancies in all departments.

Mayor Manheimer said that the public hearing on the budget will be held on June 8 at Harrah's Cherokee Center - Asheville in the Banquet Hall, and the final adoption will be held on June 22, 2021.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilwoman Turner moved to continue this public hearing until September 14, 2021. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

B. PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 99999 GLENDALE AVENUE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO CI COMMERCIAL INDUSTRIAL DISTRICT AND TO AMEND THE FUTURE LAND USE MAP FROM TRADITIONAL NEIGHBORHOOD TO URBAN CORRIDOR

Principal Planner Shannon Tuch said that this is the consideration of rezoning property located at 99999 Glendale Avenue from RM-16 Residential Multi-Family High Density District to CI Commercial Industrial District and amend the Future Land Use Map from Traditional Neighborhood to Urban Corridor. This public hearing was advertised on May 14 and 21, 2021.

Project Location and Contacts:

- The rezoning petition consists of a single parcel approximately 1.59 acres located at 99999 Glendale Ave. (PIN 9658-21-4847) and are owned by Glendale Avenue Qualified Opportunity Zone Business LLC.
- Petitioner: Todd Fowler

Summary of Petition:

- The subject property is currently zoned RM-16.
- There are no overlays or other special zoning designations assigned to this property.
- The 1.59 acre parcel is surrounded entirely by CI zoned properties and is an "island" of RM-16 zoning.
- The property is undeveloped.
- The property has frontage on Glendale Ave., a City maintained street.
- Secondary access can be secured via Springvale Ave. which is a privately maintained street that does not currently meet the City's standard for street/road infrastructure.
- Improvements to this right-of-way may, or may not be required, depending on the future development.
- Adjacent parcels to the west provide access to McArthur Ln., another City maintained street.
- While the subject property is 1.59 acres the property owner owns six additional parcels on either side of the subject property, all zoned CI.
- When combined all seven parcels total approximately 4.39 acres and will be better positioned for redevelopment.
- The subject property and surrounding parcels are located in a Qualified Census Tract (Opportunity Zone) and is also classified as a Difficult Development Area (DDA).
- Asheville's Opportunity Zones are mapped here.

Comprehensive Plan Consistency:

- This rezoning supports the opportunity for infill development that could include a mix of uses in a strategically located area, thus aligning with key goals in the *Livable Built Environment* Plan section.

Compatibility Analysis:

- The purpose of the RM-16 zoning district is, *"to permit a full range of high density multi-family housing types along with limited institutional, public and commercial uses appropriate within high density residential areas. It is intended that this district be located near employment centers, shopping facilities, roads and other urban infrastructure capable of handling the demand generated by high density residential development."*
- There is little high density housing in the area with the nearest multi-family project approximately ⅓ of a mile from the subject property and somewhat isolated.
- Low-moderate density single-family housing is in closer proximity but separated by other CI zoned properties.

- The purpose of the CI zoning district is, *"to provide areas for a wide range of commercial and industrial uses including: light manufacturing, wholesale, warehousing, services, retail sales, offices, and residential uses. The district is established where environmental conditions and urban infrastructure are adequate to support commercial and industrial development."*
- There is a moderate amount of infill, renovation and reinvestment in the commercial properties along Glendale Ave. and further into the adjacent River district area.
- The property is currently designated "Traditional Neighborhood" in the Future Land Use map of the Living Asheville Comprehensive Plan, which describes an area focused on walkable areas with a mix of housing. This is likely due to the undeveloped nature of this and surrounding properties and the goal for more residential infill. Currently, neighborhood amenities such as sidewalks, parks, schools, community centers etc. are limited or do not exist.
- The proposed CI zoning allows housing as well as other non-residential uses; therefore, a rezoning would not preclude the opportunity to include housing with future development should the property owner choose to pursue it.
- The property is on the edge of the "Traditional Neighborhood" area and adjacent to other properties designated "Town Center" and "Urban Corridor" both of which contemplate a mix of uses.
- Should this rezoning be supported, staff would recommend a change in the Future Land Use Designation from "Traditional Neighborhood" to "Urban Corridor".

Council Goal(s):
- A well-planned & livable community

Committee(s):
- The Planning & Zoning Commission reviewed this proposed amendment at their April 7, 2021 (public hearing) and May 5, 2021 (vote) meetings and voted unanimously (6:0) to approve the amendment.

Fiscal Impact:
- There is no direct fiscal impact.

Mayor Manheimer opened the public hearing at 6:22 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Kilgore moved to recess this item until June 8, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

C. PUBLIC HEARING TO AMEND UNIFIED DEVELOPMENT ORDINANCE ARTICLES III, V, VI AND VII RELATED TO DECISION MAKING, ADMINISTRATIVE AND ADVISORY BODIES AND RELATED FUNCTIONS, IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

Principal Planner Shannon Tuch said that this is the consideration of amending Unified Development Ordinance Articles III, V, VI and VII related to decision making, administrative and advisory bodies and related functions, in order to bring the City's development code into

alignment with recent state legislation. This public hearing was advertised on May 14 and 21, 2021.

Action Requested: Adopt a zoning text amendment to align the City's Unified Development Ordinance ("UDO") with North Carolina Session Law 2019-111, commonly referred to as "160D".

Background:

- 160D refers to a new chapter in the North Carolina General Statutes (NCGS) that reorganizes the land use regulatory laws of the State and came into effect through Session Law 2019-111 "AN ACT TO CLARIFY, CONSOLIDATE, AND REORGANIZE THE LAND-USE REGULATORY LAWS OF THE STATE.", adopted July 11, 2019.
- The purpose of 160D is to clarify and reorganize the land use regulatory laws of the State and is the first major recodification and modernization of city and county development regulations since 1905.
- The new 160D also consolidates these laws into one chapter in order to provide a uniform set of statutes applicable to both cities and counties (formerly found in Chapter 160A for cities and Chapter 153 for counties).
- Per Session Law 2020-25, local governments are required to enact zoning text amendments that align with 160D by July 1, 2021.
- 160D is comprehensive; therefore, City staff are addressing these revisions in sections, expecting to complete all necessary revisions by the deadline.
- This zoning text amendment is the fourth in a series of amendments and seeks to align the City's UDO (Chapter 7) with 160D.
- **Summary of changes:**
  - Amendment to **Article III** to include 160D statutory references and clarify the requirements for PZC member appointments by the County as per NC Session Law 2013-30.
  - Amendment to **Article V** includes a revision to section 7-5-20 notice procedures for public hearings. The revisions include separating the notice procedures for legislative and quasi-judicial hearings. 160D- 601 provides that the for public hearings on development approvals notice only needs to be mailed to abutting properties;
  - Amendment to **Article VI** includes revisions to each section to provide clarity and bring the section into compliance with 160D terminology.
  - Amendment to **Article VII** includes
    (a) the revision of language to 7-7-4 to bring in compliance with 160D-604 and include the current procedures being implemented with the Planning and Zoning Commission;
    (b) the revision to language in 7-7-5 to clarify City Council procedures for development approvals;
    (c) the removal to 7-7-6 as provided in a 2015 session law
- Additional, non-statutory related amendments to the Rules of Procedure have also been in order to clarify current procedures.

Comprehensive Plan Consistency: This proposal best aligns with the Living Asheville Comprehensive Plan theme of *Responsible Regionalism* that seeks to "improve Regional Collaboration, Coordination and Communication" by aligning the City's development code with state statutes.

Council Goal(s):

- A Well-Planned & Livable Community

Committee(s):

- The Planning & Zoning Commission reviewed this proposed amendment at their April 7, 2021 (public hearing) and May 5, 2021 (vote) meetings and voted unanimously (6:0) to approve the amendment.

Ms. Tuch said that 160D is a chapter in the N.C. Gen. Statutes adopted as part of Session Law 2019-11 and which became effective on June 20, 2020. It replaces the existing 160A (municipal) and 153A (county) chapters. It's purpose is to clarify, consolidate, and reorganize the land use laws of the state. This was done in collaboration between N.C. land use attorneys, the UNC-School of Government and the N.C. legislature. Local governments have until July 1, 2021, to make any necessary amendments to be in alignment with 160D. Staff will bring forward a series of amendments to modify the City of Asheville's Unified Development Ordinance to be consistent with 160D. This is the fourth in a series of amendments and addresses the duties and responsibilities of various decision-making, administrative and advisory bodies.

When Councilwoman Roney questioned the change in notice requirements, Ms. Tuch said that for quasi-judicial hearings, we will now only send notices to those property owners directly adjacent to the property. For legislative hearings, we will continue to go above and beyond the statutory requirement, and notify everyone within 200 feet of the subject property. For quasi-judicial hearings, we will default to the state law standard because it introduces a potential legal issue regarding standing. In these types of hearings, the ability to participate is limited to those who have standing and can mount an objection. Staff is working with the Department of Development Services on different ways people can sign up for notifications for their neighborhood which could include these type hearings.

Mayor Manheimer opened the public hearing at 6:32 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Vice-Mayor Smith moved to recess this item until June 8, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mosley and carried on a 6-1 vote, with Councilwoman Roney voting "no."

D. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO ARTICLES II AND XVI OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE DEFINITIONS AND REGULATIONS RELATED TO HOMESTAYS

When Councilwoman Roney asked if it were possible to move the public hearing up earlier than September 28 if the motion passes, City Attorney Branham said that due to the summer schedule of Council meetings, it may be possible; however, the meetings will be very heavy.

Councilwoman Kilgore moved to continue this public hearing until September 28, 2021. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

When Councilwoman Turner asked if there was a way to notify existing permit holders with updates, Assistant City Manager Cathy Ball said she will have to check with our Development Services Department.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-100 - RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY AT 50 ASHELAND AVENUE TO RATIFY A GRANT AGREEMENT WITH DOGWOOD HEALTH TRUST WHICH PROVIDES FUNDING IN THE AMOUNT OF $1.25 MILLION

ORDINANCE NO. 4377 /4877 - BUDGET AMENDMENT TO ESTABLISH A BUDGET IN THE CITY'S GENERAL CAPITAL PROJECTS FUND TO ESTABLISH A BUDGET FOR THE PURCHASE OF 50 ASHELAND AVENUE

Due to a conflict of interest, Councilwoman Turner moved to recuse Mayor Manheimer from this discussion. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

At this time, Mayor Manheimer handed the gavel over to Vice-Mayor Smith to conduct this portion of the meeting.

Interim Community & Economic Development Director Nikki Reid said this is the consideration of a resolution to authorize the purchase of real property at 50 Asheland Ave. for the purposes of advancing racial and socioeconomic equity within our community through expanding housing and transit options by allowing for an expanded transit center and affordable housing in order (1) to ratify the grant agreement with the Dogwood Health Trust; and (2) to approve a budget amendment in the amount of $2,575,000 in the City's General Capital Projects Fund to establish a budget for the purchase of the property at 50 Asheland Avenue.

Background:

- The City of Asheville has been leasing real property at 50 Asheland since July of 2018 to provide reasonably priced monthly parking for workers in the downtown area.
- The City has had a long term interest in purchase of this property that directly adjoins city-owned property currently used as the City Transit Center.
- In 2020, the City went under contract to purchase the property.
- The purchase price is $2.5 million, based on a fair market appraisal, and was approved by the City Council on July 30, 2020 in closed session.
- The intended purpose of the property acquisition is to:
    - plan, design, and construct a new and/or expanded downtown transit center for the City's Asheville Rides Transit (ART) system in conjunction with,
    - a larger mixed-use development to include affordable housing, commercial uses, and other public institutional spaces, and
    - advance racial equity through being intentional and inclusive in the development, construction and defined uses of the property (e.g. through proposed partnerships with community land trusts, community space, and a "Purpose Built" type structure around the goals and intentions of the property, etc.)
- The City has performed due diligence on the property, including Environmental and Geotechnical review.
- The environmental results were in line with a typical downtown urban site, however the Geotechnical results indicate some substantial fill located in the South Western portion of the property.
- Further analysis concluded that a soil conditioning program would be recommended in order to construct a multi-story building on the site at an additional cost of approximately $500,000.

- Despite this premium, this property is the least expensive option the city will have to expand transit services while remaining downtown, when considering alternative sites and proximity to property the City already owns.
- The Dogwood Health Trust has agreed to fund one half of the total purchase price in the amount of $1.25M, based on the commitment to provide:
    - Equitable access to social services, medical centers, grocery stores and job centers through improved public transit service
    - Quality affordable housing to lower income individuals and families
    - Equitable and intentional re-purposing of a property that was historically identified as "red-lined" by the Home Owners' Loan Corporation (HOLC), wherein access to capital was denied on the basis of race, thereby limiting the housing and economic opportunity afforded to people of color
- The City's portion of the costs, including $1.25M funds for the sales price, plus $75,000 for due diligence costs, will come from the general fund.

Council Goal(s):

- Equitable and Diverse Community
- A well-planned and livable community
- Transportation and accessibility
- Quality affordable housing

Committee(s):

- Housing and Community Development Committee, May 18
- Transit Committee, May 18

Pro(s):

- Location is ideal for downtown transit station and affordable housing close to job centers and services
- Leverages key partnership with Dogwood Trust to support housing, equitable economic development and transportation

Con(s):

- The Geotechnical results indicate some substantial fill located in the South Western portion of the property.
- Further analysis concluded that a soil conditioning program would be recommended in order to construct a multi-story building on the site at an additional cost of approximately $500,000.

Fiscal Impact:

- As noted earlier in the staff report, funding for the purchase will come from the general fund in the amount of $1,325,000 (however, in the alternative we can use land banking funds from the bond funds), and $1,250,000 from the Dogwood Health Trust.
- There is no funding currently programmed in the City's Five-Year Capital Improvement Program (CIP) for future development of the site.

Ms. Reid provided Council with the location and vicinity information, along with background information on the site. She said a new transit center would be a part of a larger mixed-use, transit-oriented development project, to include new affordable housing. The Dogwood Health Trust has donated half of the purchase price to support affordable housing in this location. The preliminary environmental work has been completed - Geotechnical investigation; and environmental conditions investigation. We have received Federal Transit Administration approval of NEPA categorical exclusion - project expected to have no significant impact on environmental resources. The initiation of Section 106 (historic resources analysis)

with the Federal Transit Administration is continuing. The purchase price is $2.5 Million, with a due diligence cost of $75,000. Dogwood Health Trust grant is $1.25 Million, and the City of Asheville's funding of $1.325 Million of the City's general fund.

She said short term, if approved, we would close on the property in June of 2021. We will continue to provide paid public parking and explore new possibilities for current use of the lot (revenue goes to parking). We will develop the framework of Racial Equity Goals for the develop;ment, through potential partnerships with community land trust, Black-owned business space, a "Purpose Built Community" the structure around intention, etc. Long-term, we will begin preparing for a planning process for a new transit-oriented development, emphasizing community engagement and equity in the process. We will also seek additional partnership opportunities for planning, such as Federal Transit Administration funding. We will deliver on Racial Equity Goals, through potential partnerships with community land trust, Black-owned business space, a "Purpose Built Community" type structure around intention, etc.

The purchase of the "Talbert Lot," located at 50 Asheland Avenue next to the Transit Station will be an opportunity to achieve Council goals: (1) Quality Affordable Housing & Transportation & Accessibility: Co-locating affordable housing and transit in the downtown supports overall affordability, convenience and access; (2) Connected & Engaged Community: Partner funding from the Dogwood Health Trust allows the City to secure this key site for transit and affordable housing; and (3) Advancing Racial Equity: In developing the property, constructing the improvements and defining uses, to be intentional about advancing racial equity.

Councilmembers thanked Dogwood Health Trust for partnering with the City on this initiative.

Ms. Reid responded to various questions/comments from Council, some being, but are not limited to: how can this expand our regional transit options; is there a potential to look at a Request for Proposals (RFP) for Greyhound or Megabus to share in partnership to expand our local transit; does the RFP process differ at all when seeking to build a "Purpose Built Community"; if we use land banking funds for the purchase of 50 Asheland Avenue, will we be interfering with other projects earmarked for these funds; does staff anticipate a problem in spending the $3 Million in land banking funds;

After discussion it was the consensus of Council to use land banking funds (currently $3 Million in the City's General Capital Projects Fund) to purchase 50 Asheland Avenue instead of general fund balance.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

Mayor Manheimer said that members of Council have been previously furnished with copies of the resolution and ordinance and they would not be read.

Councilwoman Roney moved to approve the purchase of real property at 50 Asheland Avenue for the purposes of advancing racial and socioeconomic equity within our community through expanding housing and transit options by allowing for an expanded transit center and affordable housing in order to ratify the grant agreement with the Dogwood Health Trust. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote (Mayor Manheimer was recused.)

RESOLUTION BOOK NO. 42 – PAGE 206

Asheland Avenue. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote (Mayor Manheimer was recused.)

ORDINANCE BOOK NO. 33 – PAGE 304

At this time, Vice-Mayor Smith handed the gavel back to Mayor Manheimer to continue presiding over the meeting.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 6 individuals spoke to Council for several reasons, some being, but are not limited to: as we move away from virtual meetings, find a way for public comment to be easier; press forward with speed on reparation initiatives; need for urban forester; concern about property tax rate increase especially for black and brown communities; thankful for the removal of the Vance Monument; and defund the Asheville Police Department and reinvest back into the community.

Mayor Manheimer announced the next City Council meeting will be held in-person at Harrah's Cherokee Center - Asheville in the Banquet Hall. She said more information will be forthcoming about the particulars of that first in-person meeting.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:24 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – June 8, 2021 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JUNE 19 AS "JUNETEENTH"

Mayor Manheimer read the proclamation proclaiming June 19, as "Juneteenth" in the City of Asheville.

B. PROCLAMATION PROCLAIMING JUNE, 2021, AS "PRIDE MONTH"

Councilwoman Wisler read the proclamation proclaiming June, 2021, as "Pride Month."

II. CONSENT AGENDA:

Mayor Manheimer removed Consent Agenda Items "C.1, C.2 and O" from the Consent Agenda for discussion and/or individual votes.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 25, 2021

B. RESOLUTION NO. 21-101 - RESOLUTION ADOPTING THE BUNCOMBE-MADISON REGIONAL HAZARD MITIGATION PLAN

Action Requested: Adoption of a resolution adopting the Buncombe Madison Regional Hazard Mitigation Plan.

Background:

- Local governments are vulnerable to an array of hazards that can cause loss of life and damages to public and private property and seek ways to mitigate situations that may aggravate such circumstances.
- The development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards.
- It allows local governments to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan.
- Hazard mitigation techniques include both structural measures (strengthening or protecting building and infrastructure) and non-structural measures (adoption of sound land-use policies and creation of public awareness programs).
- Under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster

Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the organization.

- In coordination with Buncombe and Madison Counties and the participating municipalities within those Counties (including the City of Asheville) a multi-jurisdictional hazard mitigation plan has been developed with input from the appropriate local and state officials.
- The focus of the Buncombe Madison Regional Hazard Mitigation Plan is hazards considered to be high or moderate risks (determined from a detailed hazard risk assessment) that enables us to prioritize mitigation action.
- The purpose of the Buncombe Madison Regional Hazard Mitigation Plan is to:
    - Completely update the existing Plan to demonstrate progress and reflect current conditions
    - Update the plan in accordance with Community Rating System (CRS) requirements
    - Increase public awareness and education
    - Maintain grant eligibility
    - Maintain compliance with state and federal legislative requirements for local hazard mitigation plans
- The plan outlines the following functions:
    - *Planning Process:* The process used to prepare the plan including identification of participants, public input, stakeholder input, and the outcomes of the meetings and discussions
    - *Community Profile:* A general overview of the region that includes geographic, demographic, and economic characteristics
    - *Risk Assessment:* A compilation of hazard identification, hazard profiles, and a vulnerability assessment to identify, analyze, and assess the threat to the Buncombe Madison region
    - *Capability Assessment:* A comprehensive examination of the Buncombe Madison Region's capacity to implement meaningful mitigation strategies and identify opportunities to increase and enhance that capacity
    - *Mitigation Strategy:* Broad goal statements and analysis of hazard mitigation techniques for jurisdictions to consider in reducing hazard vulnerabilities; identification and prioritization of possible mitigation projects; emphasis on program and policy alternatives to make the Buncombe Madison Region less vulnerable to damaging forces of hazards while improve the economic, social, and environmental health of the community
    - *Mitigation Action Plans*: Functional plans for each of the jurisdictions in the Buncombe Madison Region; designed to achieve the mitigation goals established by the mitigation strategy
        - There are 11 mitigation actions outlined for the City of Asheville
        - The City of Asheville's Hazard Mitigation Plan (pages 9:14 - 9:18 in the overall plan) outlines the hazards addressed, priority, funding sources, responsible parties, target completion dates, 2015 action implementation statuses, and 2021 action implementation statuses
    - *Plan Maintenance:* The measures jurisdictions will take to ensure implementation
- The plan remains a living document, with implementation and evaluation procedures established to help achieve meaningful objectives and successful outcomes over time.
- The City of Asheville has adopted a county-wide all hazards mitigation plan since 2011 and the Buncombe Madison Regional Hazard Mitigation since 2016.
- The North Carolina Division of Emergency Management regionalized hazard mitigation plans and established our region as Buncombe Madison.
- Before the regions for hazard mitigation were established, each county in North Carolina submitted their own plan and municipalities could be a part of their County's plan or submit their own hazard mitigation plan independently. This method was too laborious

and time-consuming for FEMA and the North Carolina Division of Emergency Management. Thus, the new system of regional planning was developed and implemented.

- The current plan expires on July 6, 2021.
- The North Carolina Division of Emergency Management is required to review hazard mitigation plans prior to submission to FEMA for final approval.
- The North Carolina Emergency Management Division and the Federal Emergency Management Agency have reviewed the Buncombe Madison Regional Hazard Mitigation Plan for legislative compliance and have approved the plan pending the completion of local adoption procedures.
- There are no substantive changes to the plan.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment

Committee(s):

- N/A

Pro(s):

- Hazard mitigation planning saves lives, property, and money; speeds recovery following disasters; reduces future vulnerability through wise development and post-disaster recovery and reconstruction; expedites the receipt of pre-disaster grant funding; and demonstrates a firm commitment to improving community health and safety.

Con(s):

- None

Fiscal Impact:

- None at this time

Motion:

- Motion to adopt a resolution adopting the Buncombe Madison Regional Hazard Mitigation Plan.

RESOLUTION BOOK NO. 42 - PAGE 207

C. **RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2021 GRANT**

BUDGET AMENDMENT IN THE CITY'S SPECIAL REVENUE FUND FOR THE 2021 HIDTA GRANT

These items were removed from the Consent Agenda for discussion and/or individual votes.

D. **RESOLUTION NO. 21-103 - RESOLUTION AUTHORIZING THE CITY MANAGER TO UPDATE THE SUSTAINABILITY MANAGEMENT PLAN INTO A MUNICIPAL CLIMATE ACTION PLAN**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with AECOM to update the Sustainability Management Plan into a Municipal Climate Action Plan.

Background:

- The Office of Sustainability aims to update the City's 2009 Sustainability Management Plan (SMP) to incorporate newly adopted sustainability resolutions into one cohesive document, a *Municipal Climate Action Plan*.
- Asheville's Sustainability Management Plan identified its vision and guiding principles as making decisions that balance the values of environmental stewardship, social responsibility and economic vitality.
- The Municipal Climate Action Plan will bring together the SMP, updated resolutions, and newly adopted resolutions around climate change and climate justice.
- This aligns with Council Strategic Priority C.3: Develop a renewable energy action plan to transition municipal operations to 100% renewable energy by 2030.
- The *Municipal Climate Action Plan* will incorporate the City's climate resilience work along with recently adopted climate resolutions; address high-impact projects to build a more resilient organization; and continue to address the City's goals for carbon mitigation.
- On January 28, 2020, City Council passed Resolution 20-25 Declaration of a Climate Emergency, reiterating the need for the City to identify resources required to meet the City's aggressive climate goals.
- In April 2021, the City issued an RFP addressing the Office of Sustainability's need to organize and condense adopted resolutions since the adoption of the 2009 Sustainability Management Plan. Four (4) responses were received. Two (2) were considered non-responsive for not complying with the City's Business Inclusion Policy.

Bidder Name	Bidder City	Bidder State	Bid Amount	ABI Policy
Energetics	Columbia	Maryland	$68,937	Yes
AECOM	Winston-Salem	North Carolina	$99,400	Yes
ICMA	Washington	District of Columbia	$193,864	Non-responsive
Sia Partners	Charlotte	North Carolina	$69,600	Non-responsive

- AECOM was selected as the most qualified in addressing both climate resiliency and carbon mitigation through their diverse staff and sustainability projects nationwide. AECOM is a global leader in integrated sustainability and climate planning, leveraging a proven process to identify and prioritize actionable opportunities that keep clients moving toward their goals. AECOM will partner with FernLeaf Interactive, based in Asheville, which has deep experience helping clients achieve climate solutions.
- This RFP also required responders to show compliance with the City's adopted Business Inclusion Policy.
- AECOM meets these requirements by expending 12% of the total amount of the contract with a MBE/WBE.

Council Goal(s):

- A Clean and Healthy Environment
- A Fiscally Resilient City

Committee(s):

- Sustainability Advisory Committee on Energy and the Environment - June 16, 2021
- SACEE Resiliency Working Group - Approved May 6, 2021

Pro(s):

- Supports Resolution 11-77 80% Carbon Reduction Goal, Resolution 18-279 100% Renewable Energy Goal and Resolution 20-25 Climate Emergency Declaration.
- The Municipal Climate Action Plan will:
  1.) Incorporate adopted resolutions since the 2009 Sustainability Management Plan into one document, a *Municipal Climate Action Plan*;
  2.) Identify high-impact projects to achieve adopted sustainability goals by City Council Resolutions; and
  3.) Provide estimated costs associated with achieving adopted sustainability goals set forth by City Council.

Con(s):

- None

Fiscal Impact:

- The contract will total $95,000 from the FY22 Office of Sustainability budget.
- Funding is already budgeted and available.

Motion:

- Move to authorize the City Manager to execute a contract with AECOM to update the 2009 Sustainability Management Plan into a *Municipal Climate Action Plan*.

RESOLUTION BOOK NO. 42 - PAGE 209

E. **RESOLUTION NO. 21-104 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW SERVICES CONTRACT WITH FUSIONSITE ASHEVILLE, LLC, (D/B/A GRIFFIN WASTE SERVICES) FOR RENTAL AND MAINTENANCE OF PORTABLE TOILETS AND HANDWASHING STATIONS FOR PUBLIC USE**

ORDINANCE NO. 4379 (14879) - BUDGET AMENDMENT FOR RENTAL AND MAINTENANCE OF PORTABLE TOILETS AND HANDWASHING STATION FOR PUBLIC USE

Action Requested: Adoption of a resolution authorizing the City Manager to execute a new services contract with FusionSite Asheville, LLC, dba Griffin Waste Services (hereinafter referred to as "Griffin Waste Services") in the amount of $90,000 for rental and maintenance of portable toilets and handwashing stations for public use; and the associated budget amendment.

Background:

- Due to the COVID-19 pandemic and resulting closure of public and private buildings in March 2020, portable restrooms and handwashing stations were deployed for public use as an emergency response as per direction from the City-County Emergency Operations Center and City Manager's Office.
- Griffin Waste Services in Asheville was an existing provider of services to City facilities prior to the pandemic and the only contractor identified in the region with the capacity to fulfill the services required.
- As authorized by the City Manager, a contract was established with Griffin Waste Services in June 2020 for an amount not to exceed $89,000 for rental, routine cleaning, and daily maintenance of the units.

- On September 8, 2020, City Council adopted resolution 20-157 authorizing the City Manager to execute an amended services contract with Griffin Waste Services increasing the total by $65,000, from $89,000 to $154,000, allowing the vendor to perform the work through December 2020.
- An amended contract with Griffin Waste Services to increase the total by $45,000, from $154,000 to $199,000, allowed the vendor to perform the work through May, 2021.
- The need for portable restrooms and handwashing stations is expected to continue until the COVID-19 emergency declaration is canceled.
- In May, 2021, the City executed a bid seeking proposals to continue services through December, 2021.
- Griffin Waste Services was the only bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System, searched the HUB office for MWBEs in the relevant market area, and worked with the ABI Office to search for providers.
- There is a small geographic area where it is reasonable for this work to be performed and the bid process only returned one response from Griffin Waste Services.
- In the future when services are needed, we will conduct the same process again to ensure that new MWBE businesses that have been established are provided the opportunity. .

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment
- Emergency Response

Committee(s):

- None

Pro(s):

- Supports public health needs during a Pandemic.

Con(s):

- Costs for these services are not part of the city budget, and must be paid from American Rescue Plan Act (ARPA) funds and other potential sources.
- Some business owners have been unhappy with the location of the facilities.

Fiscal Impact:

- Funding for this contract is coming from the American Rescue Plan Act (ARPA).

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a new services contract with Griffin Waste Services in the amount of $90,000 for rental and maintenance of portable toilets and handwashing stations for public use; and the associated budget amendment.

RESOLUTION BOOK NO. 42 - PAGE 210
ORDINANCE BOOK NO. 33 - PAGE 306

F. RESOLUTION NO. 21-105 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR

UNFORTIFIED WINE AT THE HOLA ASHEVILLE CELEBRATION ON JUNE 19, 2021

RESOLUTION NO. 21-106 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWS & BEARS EVENT ON JULY 9 AND AUGUST 19, 2021

RESOLUTION NO. 21-107 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE DOWNTOWN AFTER 5 EVENTS ON JULY 16, AUGUST 20 AND SEPTEMBER 17, 2021

RESOLUTION NO. 21-108 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE EVENT ON SEPTEMBER 25, 2021

RESOLUTION NO. 21-109 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE VEGANFEST EVENT ON OCTOBER 3, 2021

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Hola Asheville Celebration, Brews & Bears, Downtown After 5, Blue Ridge Pride, and Asheville Veganfest.

Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
    - Hola Carolina for the Hola Asheville Celebration, to occur at Pack Square Park on June 19, 2021, from 11:00 a.m. - 7:00 p.m.
    - Friends of the WNC Nature Center for Brews & Bears, to occur at the WNC Nature Center on July 9 and August 13, 2021, from 5:30 p.m. - 8:00 p.m.
    - Asheville Downtown Association for Downtown After 5, to occur at the 100 block of Lexington Avenue on July 16, August 20, and September 17, 2021, from 5:00 p.m. - 10:00 p.m.
    - Blue Ridge Pride for the Blue Ridge Pride Festival, to occur at Pack Square Park on September 25, 2021, from 11:00 a.m. - 7:00 p.m.
    - Triangle Vegfest for Asheville Veganfest to occur at Pack Square Park on October 3, 2021, from 11:00 a.m. - 6:00 p.m.

- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):
- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):
- None

Pro(s):
- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the Hola Asheville Celebration, Brews & Bears, Downtown After 5, Blue Ridge Pride, and Asheville Veganfest.

RESOLUTION NO. 21-105 - RESOLUTION BOOK NO. 42 - PAGE 211
RESOLUTION NO. 21-106 - RESOLUTION BOOK NO. 42 - PAGE 214
RESOLUTION NO. 21-107 - RESOLUTION BOOK NO. 42 - PAGE 217
RESOLUTION NO. 21-108 - RESOLUTION BOOK NO. 42 - PAGE 220
RESOLUTION NO. 21-109 - RESOLUTION BOOK NO. 42 - PAGE 223

G. RESOLUTION NO. 21-110 - RESOLUTION UPDATING THE 2021-22 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Action Requested: Authorization from the City Manager to submit the Updated 2021-22 Annual Action Plan (AAP) for Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program (HOME) programs to the U.S. Department of Housing and Urban Development (HUD) and to sign all documents necessary to implement the plan.

Background:
- The City originally received the 21/22 HUD allocation notice and with approximately $1,137,995 in CDBG funds and $1,370,760 in HOME funds available for the fiscal year that will begin July 1, 2021.
- Community Development Staff, in coordination with the Housing & Community Development (HCD) Committee, have made recommendations for the use of CDBG funds, which must be used in housing & community development programs within the city limits of Asheville.
- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties).
- Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan, FY20/21-24/25.

- On Friday, May 14, 2021, CD Staff received a HUD Notice that the City of Asheville would be receiving an additional $15,296 in CDBG Funds - New CDBG Award Total $1,153,291 - with a new AAP submission deadline of June 16, 2021.
- CD Staff recommends putting this additional funding in Contingency to then be reallocated at a future HCD & Council meeting.

Council Goal(s):
- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):
- Asheville Regional Housing Consortium Board - March 25, 2021 - Approval
- Housing & Community Development Committee - March 26, 2021 - Approval
- Housing & Community Development Committee - May 18, 2021 - Approval

Pro(s):
- Approval of the Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

Con(s):
- It is not always possible to fund all of the applications received, and many agencies funded will receive less than the amounts requested.

Fiscal Impact:
- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- The FY 2021-22 budgets for both the CDBG & HOME programs will be included in the annual budget ordinance that City Council will adopt in the coming months.

Motion:
- Move to adopt the resolution authorizing submission of the City's Updated Annual Action Plan for 2021-2022 to the U.S. Department of Housing and Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the 2021-2022 Annual Action Plan.

RESOLUTION BOOK NO. 42 - PAGE 226

H. RESOLUTION NO. 21-111 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT 155 THOMPSON STREET AND SET A PUBLIC HEARING ON JULY 27, 2021

Action Requested: Adoption of a resolution to set a public hearing for July 27, 2021, to permanently close a portion of unopened right-of-way located at 155 Thompson Street.

Background:
- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The City is the sponsor of the proposed right-of-way closure near 155 Thompson Street and is exchanging the closed right-of-way with the property owner, who is providing an easement to construct a section of the Swannanoa Greenway.

- This closure would not impede any future vehicular transportation connections nor does it conflict with any utility access.
- This closure will be an exchange of property for a greenway easement for the Swannanoa River Greenway through the property owners' land.
- Signs will be placed at two locations along the right-of-way announcing the public hearing and potential closure.

Council Goal(s):
- A Well-planned and Livable Community

Committee(s):
- None

Pro(s):
- The proposed ROW closure in exchange for a greenway easement is mutually beneficial for the City and the property owner.

Con(s):
- If the ROW closure is not approved, the City will not receive a greenway easement from the property owner in exchange, which would jeopardize the future construction of the Swannanoa Greenway in this location.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Motion:
- Adoption of a resolution to set a public hearing for July 27, 2021, to permanently close a portion of unopened right-of-way located at 155 Thompson Street.

RESOLUTION BOOK NO. 42 - PAGE 229

I. **RESOLUTION NO. 21-112 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE-YEAR CONTRACT WITH FLASHPARKING INC. D/B/A KLEVER LOGIC INC. WHICH ALLOWS NEW PARKING GARAGE EQUIPMENT TO BE INSTALLED AND SUPPORTED ON A LONG TERM BASIS**

Action Requested: Resolution authorizing the City Manager to execute a five-year, not to exceed $425,00, contract with Flashparking, Inc., d/b/a Klever Logic, Inc., which allows new parking garage equipment to be installed and supported on a long term basis.

Background:
- The requested contract allows new parking garage equipment to be installed.
- The requested contract timeline aligns with the expected useful life of the new garage equipment.
- The contract covers monthly management fees for cloud-hosted systems and technical system support.
- The contract total further covers the occasional purchase of equipment and services from Flashparking, Inc. for standardization and compatibility with the garage equipment.
- Flashparking, Inc. is both the manufacturer and technical support provider for the parking garage equipment which has been purchased.

Vendor Outreach Efforts:

- The equipment has been purchased via a contract for goods as issued by the National Cooperative Purchasing Alliance (NCPA).
- Purchases made via the NCPA are exempt from the Asheville Business Inclusion (ABI) Policy.
- The cooperative agreement was competitively advertised and awarded to Flashparking, Inc.
- As Flashparking Inc. is the only source of supply for management and technical support for the parking garage equipment, the City has authority pursuant to N.C.G.S. §143 -129 to enter into the requested contract.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Enables the City to continue to operate parking garages with limited interruptions due to outdated equipment.
- Improves the customer experience by decreasing the time for processing transactions.

Con(s):
- Without a contract for management and technical services in place, newly purchased parking garage equipment cannot be installed.

Fiscal Impact:
- Funding for the requested ongoing costs will be included in the Parking Services annual operating budget.

Motion:
- Motion to authorize the City Manager to execute a five-year contract with Flashparking, Inc., d/b/a Klever Logic, Inc., and any contract amendments, with an effective date as soon as the installation of the new parking garage equipment is completed, not to exceed a total contract value of $425,000.

RESOLUTION BOOK NO. 42 - PAGE 231

J. RESOLUTION NO. 21-113 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT AND ACCEPT GRANT FUNDING AWARDED TO THE CITY OF ASHEVILLE IN 2020 FOR CONTINUUM OF CARE PLANNING ACTIVITIES AND HOMELESS MANAGEMENT INFORMATION SYSTEM OPERATIONS

Action Requested: Adoption of a Resolution authorizing the City Manager to execute agreements with the U.S. Department of Housing & Urban Development and accept grant funding awarded to the City of Asheville in 2020 for Continuum of Care Planning activities and Homeless Management Information System (HMIS) operations.

Background:
- The City of Asheville serves as the Continuum of Care Lead Entity for the NC-501 Asheville-Buncombe Continuum of Care (CoC).

- Each CoC Lead Entity is responsible for coordinating the community activities required for Asheville to be eligible to receive CoC funding from the U.S. Department of Housing and Urban Development (HUD).
- The CoC Lead is also responsible for operating the community's Homeless Management Information System (HMIS).
- The typical competitive process for awarding CoC awards known as the Notice of Funding Availability (NOFA), which includes local review, scoring, and ranking of CoC project funding applications, was disrupted in FY 2020 because of the COVID-19 pandemic.
- HUD instead made allocations to each CoC through a non-competitive process for FY 2020 for all grantees whose projects expire during 2021.
- Through this 2020 non-competitive process, the City of Asheville has been awarded $43,016 for a CoC Planning Grant and $67,500 for a Homeless Management Information System (HMIS) Grant to support the city operations for these activities as the NC-501 Continuum of Care Lead Entity.
- A total of $1,706,734 of CoC renewal funding was also awarded directly to agencies in the community for ongoing Permanent Supportive Housing and Rapid Rehousing projects.
- While this funding does not pass through the City, it is referenced here to convey the total amount of federal monies directed to local agencies that provide housing services to this population and to illustrate a key component of the system of care for which the City is the lead entity.
- These funds are specifically intended for permanent housing programs.
- The regular Continuum of Care NOFA competitive funding process resumed in 2021 and is already underway.

Council Goals:
- Quality Affordable Housing
- An Equitable and Diverse Community

Committees:
- N/A

Pros:
- Provides funding to sustain existing Continuum of Care HMIS and required community planning activities and ensures the community's eligibility to receive this funding.

Cons:
- None

Fiscal Impact:
- $110,516 in HUD Continuum of Care grant funding to support the City's operations in its role as the NC-501 Asheville-Buncombe Continuum of Care Lead Entity.
- This grant funding is adopted as part of the annual budget process.

Motion(s):
- Motion to authorize the City Manager to execute agreements with the U.S. Department of Housing & Urban Development and accept grant funding awarded to the City of Asheville in FY 2020 for Continuum of Care Planning activities and Homeless Management Information System (HMIS) operation.

RESOLUTION BOOK NO. 42 - PAGE 232

K. RESOLUTION NO. 21-114 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CDM SMITH FOR THE CONSTRUCTION OVERSIGHT SERVICES OF THE MILLS RIVER WATER TREATMENT PLANT - OZONE BUILDING REHABILITATION PROJECT

Action Requested: Adoption of a resolution for a change order to the contract with CDM Smith for Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements in the amount of $81,997 for this change order.

Background:

- On April 27, 2021, the City Council approved a change order with Harper Corporation for the repairs to the Ozone Building due to flooding.
- This request is for a change order with CDM Smith for continued construction oversight of the work that Harper will perform.
- Ozone disinfection is a highly technical process that requires specified oversight for proper installation of equipment.
- Ozone is an important disinfectant process in the treatment of drinking water at the Mills River Water Treatment Plant (WTP).
- The basement of the ozone building at the Mills River WTP flooded due to several situations arising at the same time.
- A manway to an empty ozone contactor was left open due to needed repairs.
- Heavy rains over a short time period caused high water levels in the sludge lagoons.
- At the same time, staff needed to drain one of the sedimentation basins.
- Water was unable to drain to the lagoons and backed up into the ozone contactor and thus the basement of the ozone building.
- The damage was significant and requires replacement of all associated equipment.
- It also requires replacement of assets involved with the current Miscellaneous Phase 1 Ozone Rehabilitation project at the facility.
- The flooding damaged existing equipment as well as newly installed equipment.
- To avoid this type situation in the future, safeguards have been put in place including improved signage and training.
- CDM Smith holds the current open contract for Construction Oversight for the Phase 1 project. CDM Smith will continue with the current project and the replacement of equipment damaged by the flooding.
- With this change order of $81,997, the total budget impact is $158,177.

Vendor Outreach Efforts:

- CDM Smith is currently under contract.
- As this is a change order, no further outreach was performed.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Ensures the appropriate oversight regarding the construction / rehabilitation of Mills River WTP so that the final product will meet all aspects of the original design (Ozone) to treat the source water of the Mills River.
- Ensures the Mills River WTP will continue to appropriately produce drinking water for the public.

Con(s):

- Work approved may not meet the design specifications without proper oversight.

Fiscal Impact:

- $81,997 to be funded within the existing Water Treatment Improvements Capital Improvement Program budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a change order to the current contract with CDM Smith for Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements, in the amount of $81,997 for a total of $158,177.

RESOLUTION BOOK NO. 42 - PAGE 233

L. RESOLUTION NO. 21-115 - RESOLUTION APPROVING ADDITIONAL DONATIONS OF UNUSED AND UNCLAIMED SETTLEMENT FUNDS TO THE ASHEVILLE CITY SCHOOLS FOUNDATION AND COTHINKK, IN EQUAL AMOUNTS

On June 10, 2020, the Buncombe County Superior Court approved the settlement of a class action lawsuit regarding certain water service fees entitled Mayfair Partners, LLC v. City of Asheville. A condition of the settlement required that any unclaimed portion of the settlement proceeds would be donated to a charity or charities to be selected by the Asheville City Council and approved by the plaintiffs in the action. On October 27, 2020, in closed session, the City Council selected two nonprofit organizations to receive the donations, the Asheville City Schools Foundation and CoThinkK, both of which have received approval from the class action plaintiffs. On April 13, 2021, the City Council approved a resolution to donate the amount of $949,185.12 in unclaimed funds to the selected organizations. Following these donations, additional residual funds in the amount of $5,751 remain unclaimed from the settlement of the lawsuit and must also be donated pursuant to the terms of the approved settlement. The City Council wishes to divide the remaining funds evenly between the two organizations previously selected to receive them, such that each will receive the amount of $2,875.50. It is the expectation of the City Council that the donated funds will be utilized in such a way as to provide the public benefit of advancing racial equity within the community.

RESOLUTION BOOK NO. 42 - PAGE 234

M. RESOLUTION NO. 21-116 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT ALLOWING THE WALL FOUNDATION ALONG BEAUMONT STREET AND TO ACCEPT DEEDS FROM FIFTY-FIVE SOUTH MARKET LLC

Action Requested: Adoption of a resolution to authorize the City Manager to execute an easement allowing the wall foundation along Beaumont Street and to accept deeds from Fifty-Five South Market, LLC.

Background:

- The new condo development at 55 S. Market Street is complete and the developers are seeking to resolve a real property issue with the City, as follows:
  - Developers have subsurface footers and a portion of the wall above ground that extend over the City's right of way on the Beaumont Street side of the complex.
  - A small portion of the foundation wall is visible from Beaumont Street.
  - The land was valued at $77.38 per square foot.
  - The easement for the foundation wall is 47 square feet, making its value

$3,636.86.
    - The market value of this land at South Market Street address was determined by comparing a recent downtown land appraisal done by Robert M. Swicegood for the property at 50 Asheland Avenue.
- The Public Works Director has determined that this small easement within the right of way will not substantially impair or hinder the use of the right of way.
- Staff recommends that the City grant this easement to cover the foundation wall that has already been constructed.
- Additionally, Fifty-Five South Market, LLC wishes to convey, at no cost to the City, three small parcels of property that are located either within or adjacent to the public right-of-way, 0.038 acres located within the right-of-way of Velvet St; Tract D, 0.027 acres located adjacent to the Velvet St. right-of-way; and Tract E, 0.061 acres located within the right-of-way of Market St.
- Legal staff have researched the title to these properties and right-of-way.
- It is unclear of the ownership, therefore, staff recommends acceptance of these parcels in order to clear up any potential title issues that might inhibit the City's ability to open or expand these right-of-way areas in the future.

Council Goal(s):
- Well Planned and Livable Community

Committee(s):
- None.

Pro(s):
- Easement will allow the foundation wall to remain in the City's right of way.
- Developer will be paying market value for the easement.
- Acceptance of deeds to the three parcels will provide clear title of the right-of-way to the City

Con(s):
- None, however, the developer should have settled these real property issues before the building was constructed.

Fiscal Impact:
- The fair market value for the easement in the amount of $3,636.86 will benefit the General Fund.
- The conveyance of the three parcels is at no cost to the City

Motion:
- Motion to adopt a resolution to authorize the City Manager to execute an easement agreement and to accept the conveyance of property to the City and to execute any other related documents needed to complete the transaction.

RESOLUTION BOOK NO. 42 - PAGE 235

N. RESOLUTION NO. 21-117 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY FOR FIRE PROTECTION AND RESCUE SERVICES

Action Requested: Adoption of resolution authorizing the City Manager to enter into an agreement with Buncombe County for fire protection and ambulance and rescue services.

Background:

- The Asheville Special Fire Protection & Ambulance and Rescue Service District of Buncombe County was established and created effective July 1, 2016.
- It comprises the Biltmore Estate property, and portions of the Haw Creek District.
- It is served by the Asheville Fire Department for fire protection, ambulance, and rescue services.
- The Biltmore Estate has been served by the City of Asheville Fire Department since 1995 and Haw Creek has been served by the City of Asheville Fire Department since 2009 through contracts with Buncombe County.
- The County levies a special tax in the Asheville Special Fire Protection & Ambulance and Rescue Service District and appropriates those funds to the City of Asheville.
- The funds collected by the County as a result of the tax collected and the corresponding sales tax revenue due the District will be paid to the City by the last day of each month in twelve equal monthly installments.
- At the end of the fiscal year, the County will reconcile the monthly payments made to the City and the actual amounts collected to make a final adjusted payment in July of the following fiscal year.
- The Asheville Fire Department will furnish fire protection and other emergency services as part of the Buncombe County EMS System in the Asheville Special Fire Protection & Ambulance and Rescue Service District and will provide the necessary equipment and personnel.
- The term of the current agreement will end June 30, 2021, and the new agreement will begin July 1, 2021 for a term of three years.

Council Goal(s):

- Connected and Engaged Community

Pro(s):

- Adds capacity and resources that are shared between the City of Asheville and adjacent communities.

Con(s):

- None

Fiscal Impact:

- The agreement has an overall positive fiscal impact on tax revenues received by the city.
- In FY19-20, property, sales, and DMV tax revenues generated by the district and appropriated to the City were $398,801.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into an agreement with Buncombe County for fire protection and ambulance and rescue services.

RESOLUTION BOOK NO. 42 - PAGE 236

O. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE STATE OF NORTH CAROLINA AND OTHER LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION

This item was removed from the Consent Agenda for discussion and/or an individual vote.

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Wisler moved for the adoption of the Consent Agenda with the deletion of Consent Agenda Items B.1 and B.2 and Consent Agenda Item O. This motion was seconded by Vice-Mayor Smith and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

C. RESOLUTION NO. 21-102 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2021 GRANT

ORDINANCE NO. 4378 - BUDGET AMENDMENT IN THE CITY'S SPECIAL REVENUE FUND FOR THE 2021 HIDTA GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2021 High Intensity Drug Trafficking Areas (HIDTA) Grant on behalf of the Asheville HIDTA branch; and adopt a budget amendment in the City's Special Revenue Fund in the amount of $275,416.

Background:

- The Asheville Police Department acts only as the fiduciary for the grant.
- When expenses are incurred, the fiduciary settles the claims using appropriated City of Asheville funds and then requests a 100% reimbursement from the federal government.
- The Asheville HIDTA is the direct beneficiary of the grant funds and not the Asheville Police Department.
- The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration, one officer from the Asheville Police Department, and various individuals from the Sheriff Offices of several Western North Carolina Counties.
- A United States Drug Enforcement Administration supervisor, who is the Asheville HIDTA manager, determines how grant funds will be expended.
- All members of the Asheville HIDTA receive reimbursement when they incur qualified expenses conducting Asheville HIDTA business.
- The Office of National Drug Control Policy has preliminarily determined that the City of Asheville
  is eligible to manage this grant totaling $275,416.
- The purpose of the HIDTA program is to reduce drug trafficking and production in the United States, specifically in areas where drug-related activities are having a significant harmful impact.
- Grant funds are used for overtime, travel, services and supplies.
- All expenses are tracked and audited by local and federal authorities.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- Public Safety Committee - June 1, 2021 - Moved to Council on 2-1 vote.

Pro(s):

- Fosters partnerships with federal and local law enforcement agencies.

Con(s):
- None

Fiscal Impact:
- There is no local match required.

Councilwoman Roney reviewed the most recent annual report for the HIDTA grant, which is rooted in HR 5210 - the 1988 federal bill that started the war on drugs, a failed war against Americans in their homes and the streets and reinstated the federal death penalty. When she sees that we have high traffic drug areas in our community, that tells her that we have high economic development needs and high opportunity needs. She thought we were going to be reimagining public safety so she was very concerned this is doing it the old way. She understands we need to address root causes, but does not think we have the capacity in the public safety staffing to move from community policing to even this federal intention.

Councilwoman Kilgore moved to adopt a resolution approving the application and acceptance of the 2021 High Intensity Drug trafficking Areas Grant. This motion was seconded by Vice-Mayor Smith and carried on a 6-1 vote, with Councilwoman Roney voting "no"

RESOLUTION BOOK NO. 42 - PAGE 208

Councilwoman Wisler moved to adopt a budget amendment for the 2021 High Intensity Drug Trafficking Areas Grant. This motion was seconded by Councilwoman Kilgore and carried on a 6-1 vote, with Councilwoman Roney voting "no"

ORDINANCE BOOK NO. 33 - PAGE 305

O. RESOLUTION NO. 21-118 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE STATE OF NORTH CAROLINA AND OTHER LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION

Councilwoman Wisler moved to recuse Councilwoman Mosley on this item due to a conflict of interest. This motion was seconded by Councilwoman Kilgore and carried unanimously on a 6-0 vote (with Councilwoman Mosley not voting on recusal).

Action Requested: Approval of a Memorandum of Agreement between the State of North Carolina and local governments on proceeds relating to the settlement of opioid litigation.

Background:
- The opioid epidemic has taken the lives of more than 16,000 North Carolinians, and was fueled by irresponsible marketing and inadequate monitoring on the part of opioid makers and distributors.
- Settlements with the big three drug distributors and Johnson & Johnson, and a resolution of the Purdue Pharma bankruptcy proceedings, have the potential to bring as much as $850 million to North Carolina over an 18-year period to support state and local efforts to address the epidemic.
- For our state to receive the maximum payout under any national settlements, all 100 counties, and all large and medium-sized municipalities – would have to sign onto the NC MOA.
- Under the proposed settlement structure, Asheville could receive approximately $16 Million in settlement funds to address the opioid epidemic locally.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Allows the City to take part in, and share in the proceeds of, a potential national opioid settlement to provide funding to combat the epidemic locally.

Con(s):
- None.

Fiscal Impact:
- Potential to receive approximately $16 Million over 18 years as part of proposed settlement.

Councilwoman Wisler moved to approve Asheville joining in a Memorandum of Agreement between the State of North Carolina and other local governments on proceeds relating to the settlement of opioid litigation. This motion was seconded by Vice-Mayor Smith and carried unanimously on a 6-0 vote (with Councilwoman Mosley being recused).

RESOLUTION BOOK NO. 42 - PAGE 237

III. PRESENTATIONS & REPORTS:

A. DR. WESLEY GRANT SR. SOUTHSIDE CENTER GYMNASIUM EXPANSION AND POOL CONSTRUCTION PROJECT

Parks & Recreation Director Roderick Simmons explained the key takeaways of this presentation will be the strategic priority (an equitable and diverse community) , community engagement, Southside neighborhood, recreational services and a summary of the project.

Mr. Simmons reviewed the project history, starting in 2009 with the Parks & Recreation Comprehensive Plan. The engagement plan included a town hall meeting, Southside recreational opportunity survey, and a series of community meetings. They shared the results of the engagement by community events and display board of the project; comments available during center hours; and City department drop-in office hours. Community engagement planning contained members of the Residents Council of the Housing Authority, neighborhood residents, partners including Green Opportunities and Southside Advisory Council, along with Roy Harris, robert Hardy, Ralph Ingram, LaFredia Brown Morris, Natalie Bailey, Vice-Mayor Smith, Michelle Smith and Marsha Stickford. A total of 221 hours were spent in community engagement.

He explained the replacement of the current pool would provide an opportunity to address a gap in programming and facility equity. The Walton Street pool was built in 1938 and is about 4,000 square feet. The total pool occupant load is 217 users. He showed a comparison of the Walton Street pool to the Recreation Park and Malvern Hill pools.

The feedback from community meetings has been to preserve history and build a new pool for the following reasons: Adults - advocated for preserving the history of the park because it touched the lives of many generations. The pool was just one element of the Park's history. Youth - Advocated to build a new pool with capacity to accommodate more swimmers, fun activities, and programming. Regarding the location of the pool, our survey and focus groups of

Youth 18 & under prefer a pool located at the Grant Center because it could be larger, they would feel safer, and increased visibility being next to the gym would increase people using the pool.

Regarding the current Walton Street Park planning, the City recognizes the importance of this community park and is partnering with Southside Rising, a non-profit organization located in the Southside community, to conduct community education and engagement. They are collecting community feedback on the following (1) to gather input from neighborhood residents on future improvements; (2) community feedback on the most appropriate way to preserve the Park; and (3) community feedback on the best way to honor the historical importance of the Park.

Mr. Simmons then provided a summary of the Grant Center building addition. It will be a 13,116 square feet addition to the existing Center; have a 7,700 square foot multi-purpose gym; 1,271 square feet of community rooms; solar array; additional parking; and new sidewalks. It will provide 162 hours of additional community and recreation programming. The expansion doubles the space for youth and creates the capacity for a teen program - the current program room is z 20' x 60' space that supports programming for about 30 youth at a time. The new community pool will be 3,1000 square feet with a 220 person capacity; a zero entry and toddler play area; changing rooms and restrooms; and lounge chairs and picnic area. Outdoor facilities include an outdoor basketball court; picnic area; rain gardens and landscape enhancements; access to future Nasty Branch Greenway; and outdoor lighting.

On June 22, City staff will be recommending City Council award the project to the lowest responsible bidder for a total project of $6,742,864.

Mr. Simmons responded to various questions/comments from Council, some being, but are not limited to: why is this the new pool (3,100 square feet) not as large as the current pool (4,000 square feet); staff needs to do a better job in the community engagement process early in the process; note that in 2009, $27,000 was allocated to the southside community and now the City has allocated $13 Million to the southside community; can the project be re-designed to make a larger pool and reduce the size of the gymnasium, understanding that there is room to expand the pool and gymnasium in the future; and what are the City's plan to honor the history of the Walton Street pool.

B. MANAGER'S REPORT - REPARATION SPEAKER SERIES

City Manager Campbell said that on July 14, 2020, Asheville City Council passed a Resolution Supporting Community Reparations for Black Asheville. The resolution calls for the City Manager to, "establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the Black community." In an effort to repair the harm done by decades of discrimination, the City Manager and City staff have recommended a three-phase process that includes:

- Information Sharing and Truth Telling;
- Formation of a Reparations Commission; and
- Finalize and present a report.

Phase I of the Information Sharing and Truth Telling Speakers Series kicked off June 3. We recruited local and national speakers to share information followed by a facilitated discussion with the community about the community's (1) past - history of Asheville identifying key policies, actions, etc. at the federal and state with emphasis on local policies and private practices that created or advanced disparity. Identify locations within the community that were impacted; (2) present - current trends, data and disparity related to the key focus areas to be discussed by the

Commission; and (3) future - futurist/visionary to identify potential for Asheville related to the key focus areas, latest efforts and initiatives and trends to help stimulate thought about what changes are needed and are possible. The desired outcomes of Phase I include (1) better understanding of policy impacts and where those impacts occurred; (2) identify and understand current disparities and areas that need focus; (3) identify barriers to addressing generational wealth; (4) inspire our community to identify collaborative opportunities to create a more equitable Asheville; and (5) hear community perspectives about our past, present and future.

City Manager Campbell noted that the speaker series is the beginning of an ongoing conversation. All of the community received as part of the speaker series will be used to form the development of a Reparations Commission. Comments from the speaker series will be presented to the Commission which will be tasked with making short, medium and long-term recommendations to City Council.

At the June 3 series, approximately 100 people were seated in the Thomas Wolfe Auditorium. One hundred and eighty-three watched; and 45 people called in to listen by phone. There were a total of 328 people connected.

The series continues on June 10 with doors opening at 5 p.m. at Thomas Wolfe Auditorium, 87 Haywood St., with a panel discussion looking at present trends and disparities. Again, Dr. Darin Waters, Executive Director of the UNC Asheville Office of Community Engagement and Associate Professor of History, will be the moderator. Panelists will include:

- Rinku Sen, Executive Director of the Narrative Initiative
- Dr. Dwight Mullen, Professor Emeriti, UNCA
- Jorge Redmond, Assistant District Attorney, Buncombe County
- Dr. Marcus Harvey, Associate Professor of Religious Studies, UNCA

In addition to perspectives offered by the panelists there will be opportunities for members of the audience to share their experiences. There will also be a video booth set up before and after the event to offer another option for people to have their voices heard. Doors open at 5 p.m. Come early if you can. DJ Damian Davis will play music and local resilience trainers, MC Ellis and Michael Hayes will lead a resiliency talk from 5:40 to 5:55 pm. In addition to attending live anyone can view the session on the City's YouTube Channel or on the City's Virtual Engagement Hub.

The third installment of the Information Sharing and Truth Telling Speakers Series continues June 17 with a panel discussion looking at future initiatives. Dr. Waters will again be the moderator. The program begins at 6 p.m., also at Thomas Wolfe Auditorium. Panelists include:

- Tracey Greene-Washington, President, Indigo Innovation Group, and Founder, CoThinkk
- Lakesha McDay, Diversity, Equity & Inclusion Consultant
- Robert Thomas, Racial Justice Coalition Community Liaison
- Joseph T. Hackett, PhD

Again, in addition to perspectives offered by the panelists there will be opportunities for members of the audience to share their experiences. There will also be a video booth set up before and after the event to offer another option for people to have their voices heard. In addition to attending live anyone can view the session on the City's YouTube Channel or on the City's Virtual Engagement Hub.

Parking is free for these events at Harrah's Cherokee Center - Asheville Garage. Free child care is available for school-age children.

City Manager Campbell and Mayor Manheimer responded to Councilwoman Wisler regarding Buncombe County's process for reparations.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING ON THE FISCAL YEAR 2021-22 ANNUAL OPERATING BUDGET

Finance Director Tony McDowell said that this is the public hearing on the Fiscal Year (FY) 2021-22 Annual Operating Budget and inclusion of public input in City Council's consideration of the budget. This public hearing was advertised on May 28, 2021.

Background:

- The FY 2021-22 Proposed Annual Operating Budget was presented to City Council on May 25, 2021, and was balanced with an ad valorem tax rate of $0.413 per $100 of assessed valuation.
- A copy of the Proposed Budget is available for public review in the City Clerk's office, as well as on the City's website (www.ashevillenc.gov).
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act (G.S. 159-12), a summary of the Proposed Budget along with a notice of the public hearing was published on May 28, 2021.
- Adoption of the FY 2021-22 Budget Ordinance is scheduled for June 22, 2021, at the regularly scheduled City Council meeting.
- The Proposed Budget may be changed by City Council in any way before adoption.
- It may also be changed by budget amendment after adoption, with the only exception being the ad valorem tax rate, which cannot be changed once the budget is adopted.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Provides the opportunity for the public to comment on the Proposed Annual Operating Budget for FY 2021-22.

Con(s)

- None

Fiscal Impact:

- None

Finance Director Tony McDowell said that the proposed budget is based on internal work, Council priorities, and community input including a continuation of the reimagining public safety process. The proposed budget is balanced and fiscally responsible. It funds investments in Council priorities through a property tax rate above revenue neutral. It funds core community services in a time of rising costs, and it continues funding for capital improvements program. Work will continue during the next fiscal year, including reimagining public safety, reparations and strategic use of American Rescue Plan (ARPA) funding to achieve goals.

He then reviewed the City Council strategies and priorities process drivers, priorities identified and response strategies. He then reviewed the proposed budget funding summary.

He provided highlights of the Fiscal Year 2022 budget investment categories including reparations; reimagining public safety (safe communities); employees & workforce; neighborhoods and housing; youth; transportation; environment; and economic development. He noted the revised recommendations of $2.1 Million for reparations planning and community engagement process and initial allocation (White Labs sale proceeds). This will be considered for adoption on June 8. The property tax rate will increase by 3-cents for a total of $41.30 per $100 valuation.

After the budget adoption, staff will develop a spending plan for the ARPA. They will also continue reimagining public safety work, including (1) planning with Buncombe County for 911 consolidation utilizing Asheville Police Department (APD) telecommunications budget; (2) assess APD's role in Asheville Housing Authority properties and Asheville City Schools; (3) develop proposals for mental health and substance abuse, houselessness response; (4) reparations process next steps include (a) Information and Truth Telling Speaker Series (which is underway); and (b) establish Community Reparations Commission; (5) partner with Buncombe County on homeowners' tax assistance program; (6) work with community partners to identify recreation programming needs; and (7) midyear assessment of stormwater and sanitation services.

In response to Councilwoman Roney, Mr. McDowell said that the $7.9 Million is based on positions currently budgeted which does include the existing vacancies.

In response to Mayor Manheimer Mr. McDowell said that the starting rate for a firefighter once they are out of the Academy is a little over $44,000, and will bring them, based on their schedule, over the $15.00 minimum pay.

Councilwoman Roney appreciated the $150,000 for mitigating the impact on homeowners, but wondered if we have plans to mitigate the impact on renters to expand our partnerships. Mr. McDowell responded that the property tax relief program is being developed by Buncombe County and his understanding is that their program would only be targeted at homeowners. Mayor Manheimer noted that the County has funds (approximately $7 Million) through the federal package that are directed at renters. We will need to discuss with them on how they are going to make that available to people as a resource. Councilwoman Roney was concerned that the eviction moratorium ends at the end of June and we need to address that either with our own eviction protection fund or a partnership.

Mayor Manheimer opened the public hearing at 6:00 p.m.

Eleven individuals spoke to Council regarding the Fiscal Year 2021-22 budget, with some comments being, but are not limited to: don't raise property taxes; provide more opportunities for virtual public comments; defund the Asheville Police Department; $150,000 in County's property tax relief program is not enough; need to fund more into reparations; leave the homeless alone when they get out of the hotels; homeowners should be automatically enrolled in rebates for property tax relief; approving the pay plan makes employees feel valued and boosts morale; pay plan increase for firefighters helps recruiting a diverse pool of applicants; support living wages for firefighters; support for funding for transportation initiatives; support for paid parental leave and paid leave for care of qualifying family member; and need for urban forester position.

Mayor Manheimer closed the public hearing at 6:29 p.m.

Mayor Manheimer said that the adoption of the budget will occur on June 22, 2021.

V. UNFINISHED BUSINESS:

/4880

A. ORDINANCE NO. 4380 - ORDINANCE TO REZONE PROPERTY LOCATED AT 99999 GLENDALE AVENUE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO CI COMMERCIAL INDUSTRIAL DISTRICT AND TO AMEND THE FUTURE LAND USE MAP FROM TRADITIONAL NEIGHBORHOOD TO URBAN CORRIDOR

Mayor Manheimer said that this public hearing was held on May 25, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Turner moved to approve the rezoning request from Residential Multi-family, High Density (RM-16) to Commercial Industrial (CI) with an amendment to the Future Land Use Map of the Living Asheville Comprehensive Plan from Traditional Neighborhood to Urban Corridor thereby assigning zoning and land use designations that are more compatible with the surrounding properties and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans, and meets the development needs of the community in that the rezoning will, 1) assign a zoning designation that will better support future infill development in a locationally efficient area; and, 2) remove an unusual zoning condition that can be a barrier to future development. This motion was seconded by Councilwoman Wisler and carried unanimously.

ORDINANCE BOOK NO. 33 - PAGE 307

/4881

B. ORDINANCE NO. 4381 - ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE ARTICLES III, V, VI AND VII RELATED TO DECISION MAKING, ADMINISTRATIVE AND ADVISORY BODIES AND RELATED FUNCTIONS, IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

Mayor Manheimer said that this public hearing was held on May 25, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Kilgore moved to approve the proposed wording amendments to Chapter 7 Articles III, V, VI, and VII of the UDO and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendments will, 1) promote responsible growth based on holistic decision making; and, 2) bring City ordinances into compliance with the new North Carolina General Statute Chapter 160D, regarding land use development. This motion was seconded by Councilwoman Wisler and carried unanimously.

ORDINANCE BOOK NO. 33 - PAGE 311

VI. NEW BUSINESS:

A. **RESOLUTION NO. 21-119 - RESOLUTION TO ESTABLISH INITIAL FUNDING FOR REPARATIONS**

ORDINANCE NO. 4382 (4882) - BUDGET AMENDMENT TO FUND REPARATIONS

Action Requested: Adoption of a resolution and a budget amendment in the amount of $2,100,000 in the City's General Capital Projects Fund utilizing land sale proceeds to provide initial funding for reparations.

Background:

- On July 14, 2020, City Council adopted Resolution No. 20-128 in support of community reparations.
- The City Manager's Fiscal Year 2021-22 Proposed Budget that was presented to City Council on May 25, 2021 recommended $1,000,000 in initial funding for reparations and $200,000 for planning and community engagement process to support the Community Reparations Commission. An appropriation of fund balance was recommended to fund these expenditures.
- Earlier in the current fiscal year, city-owned property at 172 and 174 South Charlotte Street was sold to White Labs, Inc. at a sale price of approximately $3.7 million.
- A portion of this property includes land the City purchased in the 1970's that was part of Urban Renewal of East End/Valley Street.
- A portion of the land sale proceeds, approximately $1.6 million, was classified as Community Development Block Grants (CDBG) Program Income. Council adopted a budget amendment on March 23, 2021 incorporating that amount into the CDBG Annual Action Plan.
- In order to provide reparations funding in advance of the Juneteenth holiday (June 19, 2021), staff recommends utilizing the remaining $2.1 million in land sales proceeds from White Labs to fund community reparations.

Council Goal(s):

- A Diverse Community

Committee(s):

- None

Pro(s):

- Funds community reparations and process in advance of celebration of the Juneteenth holiday.
- Utilizes proceeds from the sale of city-owned land purchased in an Urban Renewal area to fund community reparations.
- Avoids the use of fund balance.

Con(s):

- None

Fiscal Impact:

- This funding allocation will meet the proposed budget recommendations for reparations planning and community engagement, and exceed that for initial reparations funding.
- As such, staff will remove the $1.2 million fund balance appropriation from the City Manager's Fiscal Year 2021-22 Proposed Budget.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have previously received copies of the resolution and ordinance and they would not be read.

Vice-Mayor Smith moved to adopt a resolution for initial funding of reparations and to adopt a budget amendment in the amount of $2,100,000 in the City's General Capital Projects Fund to provide reparations funding utilizing proceeds from the sale of city-owned land at 172 and 174 South Charlotte Street . This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 239
ORDINANCE BOOK NO. 33 – PAGE 318

B. BOARDS & COMMISSIONS

Regarding the African American Heritage Commission, the following individuals applied for the vacancy: Thomas Ryan and Dewayne McAfee. The Boards & Commissions Committee recommended appointing Thomas Ryan. Vice-Mayor Smith moved to appoint Thomas Ryan to the African American Heritage Commission. However, after the Boards & Commissions Committee met, a request was made by the Chair of the African American Heritage Commission to readvertise for the open seat. Therefore, Vice-Mayor Smith withdrew her motion. It was the consensus of City Council, to readvertise for the vacancy.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancies: Marty Shults, Joseph Chesler, Bill Loftis, Christine Harris, Micah McLain and Karla Furnari. It was the consensus of the Boards & Commissions Committee, and the consensus of City Council, to readvertise for the vacancies.

RESOLUTION NO. 21-120 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Board of Electrical Examiners.

The terms of George Griff (electrical contractor), Charlie Wheeler (journeyman electrician), Drew Pike (utility representative), Russell Thacher (licensed engineer) and Roger Vaught (layman representative) expire on July 1, 2021.

The following individual applied for the vacancies: Donald Shane Massey.

The Boards & Commissions Committee recommended (1) appointing Donald Shane Massey (electrical contractor), Drew Pike (utility representative), Russell Thacher (licensed engineer) and Roger Vaught (layman representative); and (2) readvertising for the journeyman electrician seat.

Vice-Mayor Smith moved to (1) appoint Donald Shane Massey (electrical contractor) to serve a three-year term, term to expire July 1, 2024, or until Donald Shane Massey's successor has been appointed; (2) reappoint Russell Thacher (licensed engineer) to serve an additional three-year term, term to expire July 1, 2024, or until Russell Thacher's successor has been appointed; (3) reappoint Drew Pike (utility representative) and Roger Vaught (layman) to each serve a three-year term, terms to expire July 1, 2024, or until their successors have been appointed; and (4) readvertise for the journeyman electrician seat. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 240

RESOLUTION NO. 20-121 - RESOLUTION APPOINTING A MEMBER TO THE CITIZEN-POLICE ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Citizens-Police Advisory Committee.

The terms of Michael Hayes (west representative), Robert Hooper (HACA staff representative) and Karl Katterjohn (east representative) expire on June 30, 2021.

The following individuals applied for the vacancies: Anthony Coggiola, Mary Ammerman, Tim Kelley, Mary Clarissa Marshall and Kelly Stamey.

It was the consensus of the Boards & Commissions Committee to readvertise for the west and east representatives and reappoint Robert Hooper (HACA staff representative).

Vice-Mayor Smith moved to (1) reappoint Robert Hooper (HACA staff representative) to serve a three-year term, term to expire June 30, 2024, or until Robert Hooper's successor has been appointed; and (2) readvertise for the west and east representatives. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 241

RESOLUTION NO. 20-122 - RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Civic Center Commission.

The terms of Mukunda Pacifici and Greg Duff will expire on June 30, 2021.

The following individuals applied for the vacancies: John Batenhorst, Tim Collins and Mitchell Eaton.

It was the consensus of the Boards & Commissions Committee to reappoint Mukunda Pacifica and appoint Mitchell Eaton.

Vice-Mayor Smith moved to (1) reappoint Mukunda Pacifica to serve a three-year term, term to expire June 30, 2024, or until Mukunda Pacifica's successor has been appointed; and (2) appoint Mitchell Eaton to serve a three-year term, term to expire June 30, 2024, or until Mitchell Eaton's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 242

RESOLUTION NO. 21-123 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

The terms of William Eakins and Maggie Brousaides will expire on July 1, 2021.

The following individuals applied for the vacancies: J. Wagner, Amanda Vollrath and Georgene Falcon.

It was the consensus of the Boards & Commissions Committee to appoint Georgene Falcon and readvertise for the second seat.

Vice-Mayor Smith moved to (1) appoint Georgene Falcon to serve a three-year term, term to expire July 1, 2024, or until Georgene Falcon's successor has been appointed; and (2) readvertise for the second seat. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 243

RESOLUTION NO. 21-124 - RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Human Relations Commission.

The term of Raynette Waters (public housing resident) expired on June 1, 2021.

The following individuals applied for the vacancies: Bernie Lee Miller, Alexandra DISclarfani, Brittni Worley, Ricky McGrath, Tim Collins and Amanda Benson-Bremseth and Crystal Michelle Reid.

The Boards & Commissions Committee recommended appointing Crystal Reid.

Vice-Mayor Smith moved to appoint Crystal Reid (public housing resident) as a member of the Human Relations Commission, to serve a two-year term, term to expire June 1, 2023, or until Crystal Reid's successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 – PAGE 244

RESOLUTION NO. 21-125 - RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Smith , Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Neighborhood Advisory Committee.

The terms of Spencer Hardaway (representing 28803 or 28704 zip code), Mike Wasmer (at-large representative) and Joseph Fioccola (representing 28801 zip code) expire on July 1, 2021.

The following individuals applied for the vacancies: Bonnie Snyder Hamrick, Sandra K. Smith and Juan Pablo Chalarca.

It was the consensus of the Boards & Commissions Committee to reappoint Mike Wasmer; (2) appoint Juan Pablo Chalarca; and (3) readvertise for the 28803 or 28704 seat.

Vice-Mayor Smith moved to (1) reappoint Mike Wasmer (at large representative) to serve an additional three-year term, term to expire July 1, 2024, or until Mike Wasmer's successor has been appointed; and (2) appoint Juan Pablo Chalarca (representing 28801 zip code) to serve a

three-year term, term to expire July 1, 2024, or until Juan Pablo Chalarca's successor has been appointed; and (3) readvertise for the 28803 or 28704 seat. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 245

RESOLUTION NO. 21-126 - RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Noise Ordinance Appeals Board.

The terms of Tod Leaven, Wayne Wheeler and Patrick Gilbert (Alternate) expire on July 1, 2021.

No applications were received for these vacancies.

It was the consensus of the Boards & Commissions Committee to reappoint Tod Leaven and Wayne Wheeler.

Vice-Mayor Smith moved to (1) reappoint Tod Leaven to serve a one-year term, term to expire July 1, 2022, or until Tod Leaven's successor has been appointed; and (3) reappoint Wayne Wheeler and Patrick Gilbert (Alternate) to each serve a additional three-year term, terms to expire July 1, 2024, or until their successors have been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 246

RESOLUTION NO. 21-127 - RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Public Art & Cultural Commission.

The terms of Ali McGhee, Johanna Hagarty and Constance Richards expire on June 30, 2021.

The following individuals applied for the vacancies: Nathaniel Wyrick, Christina O'Donnell, Hilary Chiz, Michael G. Waddle, D. Rae Geoffrey, Robin Ellege, Rodney Moore, Maria West, Tarek Inkidar, Wayne Wheeler, Mark Wilson, Bridget McFarthing, Robert Milnes, Reggie Tidwell, Claire Changery, John Moriarty, Leslie Shaw, Erin Hallagar Clare and Whitney Richardson.

It was the consensus of the Boards & Commissions Committee to reappoint Ali McGhee and Johanna Hagarty and appoint Reggie Tidwell.

Vice-Mayor Smith moved to (1) reappoint Ali McGhee and Johanna Hagarty to each serve an additional three-year term, terms to expire June 30, 2024, or until their successors have been appointed; and (2) appoint Reggie Tidwell to serve a three-year term, term to expire June 30, 2024, or until Reggie Tidwell's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 247

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Nine individuals spoke to Council for several reasons, some being, but are not limited to: stop encampment removals; defund the Asheville Police Department; use ARPA funds for more support for evictions and renters in the community; move forward with reparations and make a difference for future generations; allow remote participation as we move forward with in-person meetings; June 3 speaker reparation series location was not accessible; and provide the African American community the opportunity to engage in the reparations process;

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:30 p.m.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – June 22, 2021 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 8, 2021

B. RESOLUTION NO. 21-128 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LICENSE AGREEMENT WITH US CELLULAR AT 57 CRESTWOOD DRIVE

Action Requested: Adoption of a resolution authorizing the City Manager to sign a new license agreement with US Cellular at 57 Crestwood Drive.

Background:

- The City of Asheville owns and controls a telecommunications tower located at 57 Crestwood Drive, primarily for the purpose of vital public safety communications.
- Excess space on the tower is available for telecommunications companies through license agreements with the City.
- U.S. Cellular originally built the tower at Royal Pines in 1987 and has occupied it since that time.
- Their most recent agreement was executed in 2012, at a rental rate of $30,000 per year with an annual escalation rate of 3%.
- The current license agreement expires September 30, 2022 and US Cellular's agent has approached the Real Estate Coordinator with a request for an extension.
- The Real Estate Division with the support of IT Services contracted with APC Telecom in Raleigh for an analysis of the current license agreement and its terms, including fair market value rental rates.
- They recommended an increase of over 10% of their current rent and to maintain the escalation rate of 3%.
- Finally, APC Telecom recommended a term as long as possible.
- US Cellular agreed to a term of ten (10) years at a rental rate of $42,300 per year with 3% escalations.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):
- This license agreement will ensure that the City has a stable tenant on this tower.
- US Cellular will be paying Fair Market rent with an acceptable escalation clause.

Con(s):
- None.

Fiscal Impact:
- The City will be receiving $3,525 per month or $42,300.00, which benefits the General Fund.

Motion:
- Motion to approve the resolution authorizing the City Manager to sign this license agreement for ten (10) years.

RESOLUTION BOOK NO. 42 - PAGE 248

C. RESOLUTION NO. 21-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR AGREEMENT WITH AIR PRODUCTS FOR THE PURCHASE OF LIQUID OXYGEN AT THE MILLS RIVER WATER TREATMENT PLANT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a five year contract with Air Products in the amount of $322,674 beginning in July 2021. Following the end of five years, the City may continue with three optional one-year contract extensions. Contract extensions will be held to a "not to exceed" product rate increase of 2% per year.

Background:
- Ozone is a key part of the water treatment process at the Mills River Water Treatment Plant.
- Liquid oxygen is a required precursor for the onsite production of ozone.
- The City's existing eight year liquid oxygen contract with Air Products expires in July 2021.
- The City held a competitive bid for the supply of liquid oxygen to Water Resources for the next eight years.
- In response to the bid advertisement, the Water Resources Department received three (3) bids on May 6, 2021.
- The following companies responded with estimated first five year <u>total</u> costs:
  - Matheson, Irving, T.X. $359,550
  - Andy Oxy, Asheville, N.C. $1,755,000
  - Air Products, Allentown, P.A. $322,674
- Since the costs reflect a multiple year contract, Council approval is required before City staff may award the contract to the lowest responsive bidder.

Council Goal(s):
- A Clean & Healthy Environment

Committee(s):
- None

Pro(s):
- Ozone helps to reduce the total organic carbon that is the precursor to Disinfection By-Products (Total Trihalomethanes and Haloacetic acids - HAA 5).

- Ozone is used as the initial disinfectant reducing the need to use chlorine at this step in the treatment process.
- High levels of total organic carbon combined with chlorine can form Disinfection By-Products.
- Enhances the level of water treatment.

Con(s):

- Increased costs to produce high quality potable water due to loss of ozone treatment resulting in other treatment processes having shorter life cycles.
- The City risks being out of compliance with the EPA Disinfection By-Products rule without liquid oxygen.

Fiscal Impact:

- $322,674 over five years to be funded as part of the Water Resources Fund operating budget as one-year allocations.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a five year contract with Air Products in the amount of $322,674 beginning in July 2021. Contract may be extended with three optional one year contract extensions at the end of the initial five year term contingent upon funding. Contract extensions will be held to a "not to exceed" product rate increase of 2% per year.

RESOLUTION BOOK NO. 42 - PAGE 249

D. RESOLUTION NO. 21-130 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION, AND IF AWARDED ACCEPT GRANT FUNDS, FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT

Action Requested: Adoption of a resolution authorizing the City Manager to apply for and if awarded accept the Assistance to Firefighters Grant of $130,910.

Background:

- The primary focus of FEMA's Assistance to Firefighters Grant program is to provide assistance in funding for firefighting safety and protective equipment that can reduce the risk of exposure to cancer-causing carcinogens.
- AFD was successful in its last request for $36,000 to fund four sets of personal protective equipment washers and dryers.
- The goal of the current request is to increase the safety and health of our firefighters by increasing the accessibility of breathing air compressors within the Asheville Fire Department.
- The Department requested funds to purchase two SCBA air compressors.
- This equipment would be utilized to support the department's Air Management and Cancer Prevention Policies.
- Due to the prevalence of carcinogenic materials being emitted throughout the duration of a firefighting operation, the department's Cancer Prevention Policy requires SCBA usage at all fires for a minimum of 90 minutes after air monitoring indicates a clear environment in a fire occupancy.
- This policy has significantly increased the usage of breathing air at all of our fires while creating a safer work environment for our firefighters.

- AFD assigns approximately 40 members to every working fire incident.
- To fill bottles for these members, AFD relies upon neighboring fire departments that support a countywide air unit which responds to the incident scene.
- This unit is reliable, but there are times where it is unavailable due to being used by one of the other 21 Buncombe County fire departments or being serviced.
- The additional air compressors would allow greater accessibility to air refill by firefighters.
- This request also supports the SCUBA program which is one of two within the western region of North Carolina and the AFD Hazardous Materials Team which is contracted by NC Emergency Management as a regional resource for the 18 western NC counties.
- The overall request for funding via FEMA's Assistance to Firefighters Grant is to increase the safety for all members by providing increased access to breathing air compressors to support the increased usage of SCBA on firegrounds for firefighter safety.

Council Goal(s):
- Smart City

Committee(s):
- Public Safety Committee - June 22, 2021

Pro(s):
- Firefighter safety would be increased significantly

Con(s):
- The City's one time match would be $13,091

Fiscal Impact:
- Requires a 10% local match.
- The grant amount, if awarded, would be $130,910.
- One time local match would be $13,091
- Asheville Fire Department could absorb this match in its operating funds (from the General Fund) in Fiscal Year 2021-22.

Motion:
- Motion to adopt a resolution authorizing the City Manager to apply for and if awarded accept grant funds from the Federal Emergency Management Agency for the Assistance to Firefighters Grant.

RESOLUTION BOOK NO. 42 - PAGE 250

E. RESOLUTION NO. 21-131 - RESOLUTION ACCEPTING THE ANNUAL FLOOD MITIGATION ACTIONS REPORT AND SUPPORTING THE RE-CERTIFICATION AS A MEMBER OF THE COMMUNITY RATING SYSTEM PROGRAM

Action Requested: Adoption of a resolution accepting the annual Flood Mitigation Actions report and supporting the re-certification as a member of the Community Rating System Program.

Background:
- The City of Asheville joined the Community Rating System (CRS) program, a program through the Federal Emergency Management Agency (FEMA), and administered by the Insurance Services Office (ISO) in 2014.
- As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) was prepared in 2014 by Brown and Caldwell to supplement the Buncombe-Madison Regional All Hazards Mitigation Plan.

- Brown and Caldwell is an international Engineering and Consulting firm with a regional office in North Carolina. The team that developed the RLAA Report focuses on flood mitigation and hydrologic engineering.
- Participation in the CRS program provides lower insurance premiums under the National Flood Insurance Program.
- Currently, Asheville property owners receive a 10 percent reduction in their flood insurance premiums through the City's participation in the CRS program, based on the CIty receiving a Class 8 determination in the program.
- The classes are determined by points awarded based on program elements that enhance or are higher standards than requirements of the National Flood Insurance Program administered by FEMA.
- In order to maintain the current status in the CRS program, staff is required to provide to Council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown and Caldwell adopted by Council on December 10, 2013.
- The Annual Flood Mitigation Actions Report is provided as Exhibit A.
- Highlighted in the report, staff from multiple departments continue to work together, looking for ways to reduce flooding and damage from floods.
- These efforts include community outreach through the City website, social media, flyers, and events; working with the Army Corps of Engineers and other partners on flood mitigation opportunities; and working with developers and property owners on ways to protect their properties from flooding.

Vendor Outreach Efforts:

- Not Applicable.

Council Goal(s):

- A Clean and Healthy Environment
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Asheville property owners will continue to receive a 10% reduction on their flood insurance.
- Provides a higher level of protection through the current flood ordinance and improves resilience.
- Promotes public education on the dangers of flooding and the Special Flood Hazard Areas.

Con(s):

- Considerable amount of staff time is necessary to maintain these requirements and improve our program.

Fiscal Impact:

- There is no additional fiscal impact to continuing the efforts necessary for the CRS program. Staff time is currently programmed into the annual operating budget.

Motion:

- Motion to adopt a resolution accepting the annual Flood Mitigation Actions report and supporting the re-certification as a member of the Community Rating System Program.

RESOLUTION BOOK NO. 42 - PAGE 251

F. RESOLUTION NO. 21-132 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH SAM SCHWARTZ CONSULTING LLC FOR THE I-26 CONNECTOR PROJECT DESIGN WORK

Action Requested: Adoption of a resolution authorizing the City Manager to approve an amendment to the Sam Schwartz Consulting, LLC contract to increase the contract by $7,000, raising the contract total to $207,000, for I-26 Connector Project design work.

Background:

- City Council approved contract #91800148 with Sam Schwartz Consulting, LLC to provide consulting and engineering services to evaluate and advise City Council on the design of the I-26 Connector project via Resolution #17-204 on September 12, 2017.
- Sam Schwartz Consulting, LLC reviewed the project plans and met with the North Carolina Department of Transportation (NCDOT) and various stakeholder groups to help address design tweaks.
- Sam Schwartz Consulting, LLC prepared a report that was included in the Final Environmental Impact Statement.
- The City of Asheville established an I-26 Connector Project Aesthetics Committee on April 24, 2018, and the initial committee members were approved on July 24, 2018 via Resolution # 18-192.
- Sam Schwartz Consulting, LLC has prepared a report on behalf of the I-26 Connector Project Aesthetics Committee that is currently being reviewed by the NCDOT.
- The work for the Aesthetics Committee included reviewing the possibility of reducing the overall French Broad River crossing's footprint, the possibility of reducing the project's impact on property within Asheville, and maintaining the anticipated capacity of the proposed design.
- This work was much more involved and included more feedback from the committee than anticipated.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Through the efforts of Sam Schwartz Consulting, LLC, the NCDOT and the City of Asheville have been able to agree on design tweaks that support the City's goals.

Con(s):

- None

Fiscal Impact:

- Funding for the $7,000 increase will come from previously budgeted Capital Improvement Program contingency funds.

Motion:

- Motion to adopt a resolution authorizing the City Manager to approve an amendment to the Sam Schwartz Consulting, LLC contract (contract # 91800148) to increase the contract by $7,000, raising the contract total to $207,000.

RESOLUTION BOOK NO. 42 - PAGE 256

G. RESOLUTION NO. 21-133 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EXTENSION OF A CONTRACT WITH RIVERTOP CONTRACTING FOR MEDIAN MAINTENANCE IMPROVEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a one year extension of a contract with Rivertop Contracting in the amount of $32,222 for the Median Maintenance contract.

Background:

- This extension will be the second and final one year extension to the original contract and brings the total value of the contract to $96,666.
- The contract is for maintenance of City-owned planting beds throughout the City.
- The extension will take effect at the end of the current extension (July 7, 2021) and run through July 7, 2022.
- The bids for the contract were opened on July 17, 2019 and the following bids were received:

Rivertop Contracting of Swannanoa, NC	$32,222 per year
Smith and Lloyd Landscaping of Asheville, NC	$58,110 per year
BuckTom Services of Asheville, NC	$66,000 per year
B.H. Graning Landscapes of Sylva, NC	$92,315 per year
Appalachian Paving and Concrete of Swannanoa, NC	$119,800 per year

Vendor Outreach Efforts:

- Outreach was not performed due to this being an extension.
- This is the final extension for this contract. When the next contract is bid, staff will make a special effort to do appropriate outreach to try to attract minority and women owned businesses. Efforts will include listing the project on the State's Interactive Purchasing System, contacting minority contractors currently known to the City and searching the NCDOT and State of North Carolina Office for Historically Underutilized Business databases for MWBE contractors.

Council Goal(s):

- This project aligns with the 2036 City Council Vision of a Well-Planned Livable Community.

Committee(s):

- N/A

Pro(s):

- Will help maintain city-owned planting beds and islands.

Con(s):

- In some areas the work may temporarily impede pedestrian or vehicular traffic.

Fiscal Impact:

- Funding for this contract is in the Fiscal Year 2021-2022 Public Works Department budget.

Motion:

- City staff recommends City Council adopt a resolution authorizing the extension of the contract to Rivertop Contracting, Inc. in the amount of $32,222 for the Median Maintenance contract.

RESOLUTION BOOK NO. 42 - PAGE 257

H. RESOLUTION NO. 21-134 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DUDE SOLUTIONS TO RENEW CONTRACT FOR FACILITY DUDE LICENSE, THE CITY'S CARBON TRACKING SYSTEM

Action Requested: Resolution authorizing the City Manager to amend a contract with Dude Solutions for Energy Manager, a carbon emissions tracking system.

Background:

- This software is used to track the energy consumption and carbon emissions from the City's buildings which supports Resolution 11-77, the City's 80% carbon reduction goal.
- This will be the third year the City has utilized this software vendor.
- This software demonstrates that carbon emissions from city facilities are predominately from electricity consumption (74%).
- Through the use of the Dude Solutions Energy Manager software system, the Office of Sustainability and Capital Projects Department have been able to confirm energy savings from efficiency projects.
- For example, the city experienced a 5% reduction in carbon emissions in City Hall following the boiler replacement project.
- Dude Solutions Energy Manager software demonstrates that the most carbon intensive buildings are the Mills River Water Treatment Plant, Harrah's Cherokee Center, North Fork Water Treatment Plant, the Municipal Building, and City Hall.
- The Office of Sustainability and Capital Projects Department utilize this software to identify renewable energy opportunities to help mitigate the City's carbon emissions from buildings.
- Additionally, Dude Solutions is utilized by the Capital Projects Department for facilities work order system allowing an opportunity to connect the two systems.

Vendor Outreach Efforts:

- In 2017, staff performed outreach through a solicitation process which included posting on the State's Interactive Purchasing System
- No MWBE firms submitted bids with this prime contractor.

Council Goal(s):

- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The contract also includes importing energy usage from the City's Duke Energy bills which otherwise takes considerable staff capacity.
- The software is compatible with the City's facilities work order system.
- This may enable the City to more easily track and measure efficiency projects such as lighting, HVAC upgrades, and track maintenance requests for the solar energy systems that are a new city asset.

Con(s):

- None

Fiscal Impact:
- This contract has a fiscal impact of $39,352.17 for fiscal year 2022. The three year total will be $117,205.10.
- The Green Savings account will be utilized to fund this contract.

Motion:
- Motion to authorize the City Manager to amend a contract with Dude Solutions for Energy Manager, a carbon emission tracking system.

RESOLUTION BOOK NO. 42 - PAGE 258

I. RESOLUTION NO. 21-135 - RESOLUTION ADOPTING AN ETHICS POLICY FOR ADVISORY BOARDS AND COMMISSIONS

Action Requested: Adoption of Ethics Policy for Advisory Boards & Commissions

Background:
- This is a formal policy to establish ethical standards of conduct for advisory board members.
- The policy will help ensure that all public meetings are a welcoming, respectful, safe, and productive atmosphere to conduct business.
- Topics covered within the policy include Meeting Rules of Deorum; Operating Code of Conduct; Harassment; Social Media, and Conflict of Interest for advisory board members
- The policy provides the Board Chair, Council Liaison, City Staff Liaison with the authority to further investigate and/or enforce violations of this policy.
- On November 23, 2010, City Council adopted Code of Ethics for Asheville City Council.

Vendor Outreach Efforts:
- N/A

Council Goal(s):
- A Connected & Engaged Community

Committee(s):
- Boards & Commissions Council Committee - June 8, 2021 - Unanimously recommended to full Council.

Pro(s):
- Establish guidelines for ethical standards of conduct for board and commission members
- Helps ensure that public meetings are welcoming and respectful of members, staff and community members.

Con(s):
- None noted.

Fiscal Impact:
- None.

Motion:
- Move to adopt the Ethics Policy for Advisory Boards & Commissions.

RESOLUTION BOOK NO. 42 - PAGE 259

/4883

J. ORDINANCE NO. 4383 - BUDGET AMENDMENT ASSOCIATED WITH THE REFUNDING OF THE RECENT BOND ANTICIPATION NOTES

Action Requested: Adoption of budget amendment in the amount of $35,403,247 in the City's General (2100) Fund to account for the refunding of debt.

Background:

- In May, 2018, Council authorized the issuance of a Limited Obligation Bond Anticipation Note (BAN) in an amount not to exceed $48 million.
- In March, 2021, Council approved resolutions authorizing City staff to proceed with the issuance of long-term fixed rate Limited Obligation (LOBs) and Special Obligation (SOBs) Refunding Bonds to pay off the existing amount utilized on the BAN.
- The funds generated from the issuance of the Refunding Bonds, which totaled $35.4 million, were used to pay off the existing bond anticipation note and so do not represent additional money available for City use.
- The Fiscal Year (FY) 2020-21 budget did not include appropriations reflecting the funds generated from the issuance of the Refunding Bonds.
- This technical amendment incorporates these appropriations into the budget in order to ensure that the General Fund does not exceed the approved annual budget in the City's annual financial reporting.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Amends the FY 2020-21 General Fund budget in order to ensure statutory budgetary compliance.

Con(s):

- None

Fiscal Impact:

- There is no net fiscal impact from this technical budget amendment.
- It will amend the FY 2020-21 budget in the General (2100) Fund to reflect the receipt of refunding proceeds from the bank and the subsequent payment to bondholders to pay off the prior debt issuances.

Motion:

- Motion to adopt a budget amendment in the amount of $35,403,247 in the City's General (2100) Fund.

ORDINANCE BOOK NO. 33 - PAGE 319

K. RESOLUTION NO. 21-136 - RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT ON CITY RIGHT-OF-WAY FOR AN EXISTING LOADING DOCK AT 99 RIVERSIDE DRIVE

Action Requested: Adoption of a resolution authorizing the City Manager to grant a permanent easement to 99 Riverside LLC.

Background:

- The building at 99 Riverside Drive was constructed in the 1960s.
- A recent survey showed that the existing loading dock is located on the City right-of-way.
- The "Old Wood Company" operated at this site has closed after twelve years in business.
- The space will now have a new tenant.
- The new tenant would like to use the old loading dock in the front of the building as their new entrance.
- There is ample area between the loading dock and the new improvements completed as part of RADTIP.
- Staff believes that granting this easement will in no way impede the flow of pedestrian, bike and auto traffic along Riverside Drive.
- The Real Estate Office has proposed a permanent easement instead of an encroachment, because this improvement is a permanent part of the building and is an existing issue.
- A survey has been completed and the easement area is 312 square feet.
- The property owner will be charged fair market value for the square footage that is needed, for a total amount of $5,000.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- City staff has determined the granting of this easement will in no way impede traffic on Riverside Drive.
- The City is being compensated $5,000 which is fair market value.

Con(s):

- The City will be losing some right of way.

Fiscal Impact:

- The City is being paid $5,000 for this easement.

Motion:

- Motion to allow the City Manager to grant this permanent easement.

RESOLUTION BOOK NO. 42 - PAGE 263

L. **ORDINANCE NO. 4384** (4884) **- ORDINANCE AMENDING CHAPTER 13, ARTICLE II, OF THE CODE OF ORDINANCES RELATING THE THE RULES AND PROCEDURES OF POLICE ALARMS**

ORDINANCE NO. 4385 (4885) **- ORDINANCE AMENDING THE FISCAL YEAR 2021-22 FEES & CHARGES MANUAL**

Action Requested: Approval of revisions to the alarm ordinance; and an amendment to the Fiscal Year 2021-22 Fees & Charges Manual.

Background:

- Pursuant to N.C. Gen. Stat. § 74D-11(c), the City of Asheville has authority to require an alarm systems business operating within its jurisdiction to register and to supply information regarding its license, and adopt an ordinance to require users of alarm systems to obtain revocable permits when alarm usage involves automatic signal transmission to a law-enforcement agency.
- Accordingly, on August 29, 2002, the City of Asheville adopted an Alarm ordinance (Ord. No. 2951 under Chapter 13, Article II, § 31-39).
- Since January 1, 2018 to May 12, 2021, officers from the Asheville Police Department (APD) have responded to 15,682 business and residential burglar alarms, of which 97% were false alarms.
- The revised Alarm Ordinance drafted by APD is based upon best law enforcement and security alarm industry practices, with a goal of increasing efficiency, managing its alarm permitting process, and reducing false alarms.
- Various best practices have been written into the revised Alarm Ordinance, to include, but not limited to:
    - New registration and renewal fees:
        - Alarm System Permit Fee: $25.00
        - Alarm System Renewal Fee: $10.00
        - Late Fee after 30 days: $25.00
        - Appeal Hearing Fee: $50.00 (reimbursed if appeal is upheld)
        - Reinstatement of response fee: $50.00
    - The continuation of graduated civil penalties for false alarms
    - New equipment standards
    - The gold standard of Enhanced Call Verification by the alarm companies shown to reduce false alarms by 40%

Council Goal(s):
- Smart City

Committee(s):
- Public Safety Committee - June 1, 2021 - unanimous vote to move to City Council.

Pro(s):
- More efficient and effective policing through less time and resources spent on the response to false alarms.

Con(s):
- None

Fiscal Impact:
- Proposed new fees will have a minimal fiscal impact.

Motions:
- Motion to adopt the revisions to the Rules & Regulations for Police Alarms and an amendment to the Fees & Charges Manual.

ORDINANCE NO. 4384 - ORDINANCE BOOK NO. 33 – PAGE 320 4884
ORDINANCE NO. 4385 - ORDINANCE BOOK NO. 33 - PAGE 328 4885

M. RESOLUTION NO. 21-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT LAND DONATION AT OLD HAYWOOD ROAD AND EASTVIEW CIRCLE

Action Requested: Adoption of a resolution authorizing the City Manager to accept land donation at Old Haywood Road and Eastview Circle.

Background:

- The City was approached by Anne and Michael Powell who reside in Georgia.
- They asked if the City was interested in land that was owned by Ms. Powell's late father, Robert Hunter.
- The parcel is 0.12 acres and is located across the street from Fire Station #10 at the corner of Old Haywood Road and Eastview Circle.
- It is vacant land with no improvements.
- The Real Estate Office contacted the Fire Department and they indicated they would have a useful purpose for the land.
- The Fire Department intends to place a basic shed on the property for storage associated with the Fire Station #10.
- This triangular shaped parcel has a tax assessed value of $4,000 and is being donated by the heirs of Robert C. Hunter's Estate, heirs of Joseph L. Hunter's and Heirs of Edward B. Shoff.
- The City has commissioned an Environmental Phase I for this property and the transfer of land will not be finalized until the site receives a clean report.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- This land could be used to provide much needed storage for Fire Station #10.
- The land is being donated at no cost to the City.

Con(s):

- The City will no longer be receiving property tax revenues.

Fiscal Impact:

- The donation of the land comes at no cost to the City.

Motion:

- Motion to approve the resolution authorizing the City Manager to accept this donation of land.

RESOLUTION BOOK NO. 42 - PAGE 264

P. RESOLUTION NO. 21-138 - RESOLUTION AMENDING THE 2021 CITY COUNCIL MEETING SCHEDULE TO ADD A WORKSESSION ON THE AMERICAN RESCUE PLAN ACT SUMMARY PLAN AT 2:30 P.M. ON JULY 27, 2021, AT HARRAH'S CHEROKEE CENTER - ASHEVILLE, LOCATED AT 87 HAYWOOD STREET, ASHEVILLE, N.C.

RESOLUTION BOOK NO. 42 - PAGE 265

Q. MOTION TO SUPPORT HOMEWARD BOUND IN ITS PURCHASE OF THE DAYS INN LOCATED AT 201 TUNNEL ROAD

Action Requested: Motion to support Homeward Bound in its purchase of the Days Inn located at 201 Tunnel Road.

Background:

- Homeward Bound is proposing a permanent supportive housing (PSH) apartment project for our homeless population.
- The agency intends to acquire the Days Inn located at 201 Tunnel Road.
- This project will be an adaptive reuse of the existing motel and will create 85 affordable housing rental units for people experiencing chronic homelessness.
- The motel sits on a 2.95 acre site and contains 128 guest rooms in two, 2 story buildings.
- Homeward Bound will convert 85 of the 128 rooms into permanent supportive housing units by adding a small kitchenette to each of the 85 units.
- The remaining rooms will be converted into office space for case managers, program managers, clinical staff, a permanent supportive housing director, and other agency staff. Space will also be provided for community partners to deliver on-site supportive services to residents.
- A Phase 1 Environmental Review / Environmental Assessment has been conducted with no findings.
- Housing units are targeted to special needs and underserved populations.
- This is a critical strategy in ending chronic homelessness and a key component of the Continuum of Care, providing an exit from homelessness for people with the most complex needs.
- The project will be affordable housing in perpetuity with a deed reflecting this agreement.
- The total project cost is estimated at approximately $12.6 million with $6.5 million associated with property acquisition.
- The requested funding, as outlined below, will be used entirely for property acquisition.
- Homeward Bound anticipates closing on the property by August 14, 2021.
- Homeward Bound is seeking funding from the following sources for acquisition:

Funding Source - Acquisition	Amount
City of Asheville	$2,000,000
Dogwood Health Trust	$2,000,000
Buncombe County	$2,000,000
Private Donor	$500,000
TOTAL	$6,500,000

Homeward Bound anticipates needing $6,900,000 to upfit the property for Permanent Supportive Housing & $1,214,262 in annual operation costs, with annual revenues anticipated at $1,236,900.

- Homeward Bound has requested that the City's funds be structured as a grant to Homeward Bound in the amount of $2 million for acquisition costs to provide 85 permanent supportive housing units.
- While the City has not determined the source of funds, the City is committed to providing formal approval, recognizing that Homeward Bound hopes to close on this acquisition by

August 14, 2021, and that the lives of the chronically homeless in our community will greatly benefit by expediting this project.
- The City understands that this commitment is important for Homeward Bound as it seeks other governmental/HUD sources of support for acquisition and renovation.

Council Goal(s):
- An Equitable and Diverse Community
- A Well-Planned and Livable Community
- Quality Affordable Housing

Committee(s):
- Housing & Community Development Committee - May 18, 2021 - Approval 3-0

Pro(s):
- This funding would support 85 permanent supportive housing units.
- The proposed project is targeted to end homelessness for at least 85 people experiencing chronic homelessness, which aligns with the City of Asheville's Consolidated Plan goals.
- This investment per unit will be $23,529 which is below our per unit investment for permanently affordable housing.
- Permanent Supporting Housing Project can save a jurisdiction or municipality anywhere from $17k to $37k per person.

Con(s):
- None noted.

Fiscal Impact:
- Staff is analyzing potential funding sources, including Housing Trust Fund, General Obligation (GO) Bonds, or American Rescue Plan Act (ARPA) funding.
- Financial analysis will be completed prior to presentation to City Council in July or August 2021.

Motion:
- Move to support Homeward Bound in its purchase of the Days Inn located at 201 Tunnel Road, with the financial analysis to be completed prior to the formal presentation to City Council.

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Turner moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Wisler and carried unanimously.

IIII. PRESENTATIONS & REPORTS:

A. LEAD AND COPPER RULE REVISIONS - RESPONSIBILITIES OF THE CITY OF ASHEVILLE WATER SYSTEM

Water Resources Department Compliance Manager Brenna Cook provided the history of the Lead and Copper Rule; Lead and Copper Action Levels; Lead and Copper Rule Revisions;

Water Resources Response; Water Response Responsibilities; and potential responsibility for water customers.

She said that the initial Lead & Copper Rule was first passed in 1991. The City of Asheville has always met the requirements of the Rule. The Rule requirements are (1) collecting samples in customer homes to ensure Lead & Copper Levels did not exceed action levels set by the Environmental Protection Agency (EPA); and (2) began treating the drinking water to reduce corrosion in service lines and in household plumbing. Lead can cause damage to the brain & kidneys in adults. In children under 7, lead can slow development, potentially causing learning & behavioral problems.

In late December 2020, the EPA passed new revisions, with main focus areas of (1) different sampling locations & protocols to find more sources of lead in drinking water; (2) establishing a trigger level to ensure earlier mitigation; (3) requiring complete lead service line replacements (public and private side) if action level is exceeded; (4) requiring testing in schools & daycare facilities; and (5) requiring water systems to identify and provide information to homeowners and the public the locations of lead service lines. The service line inventory will be available to the public in 2024.

The responsibilities of Water Resources include (1) any lead service lines or lead fittings (goosenecks) on City side of the meter will be replaced as soon as possible when found; (2) testing will be provided if any work is performed on a lead service line or galvanized line preceded by a lead fitting or lead service line; (3) water pitcher filters will be provided to customer if work is performed on a lead service line on either side of the meter or if the lead results are above the action level; (4) customers who have lead or galvanized preceded by lead connections, or unknown material, will be notified annually, including how to reduce exposure, health effects language and resources on how to get their service line replaced; (5) lead service line replacement plan in place by 2024 - only a full replacement counts (this means both the customer and utility sides); and (6) a funding strategy for service line replacement. For the school and daycare facility testing: (1) revisions require all elementary schools & licensed daycare facilities to be tested; (2) if a middle or high school request testing, we are required to collect samples; (3) all results must be made available to the public; (4) utilities can give schools and daycares advice on how to resolve any lead issues; and (5) re-collect samples once a resolution is applied. For the Lead Prevention & Awareness Program (LEAP) (1) LEAP website on Water Resources webpage; (2) community meetings in areas affected by Service Line Inventory or affected customers; (3) Lead Hotline and Email for questions - on LEAP website; (4) Free Lead testing available for all City of Asheville water customers; and (5) annual reminders for customers affected (lead service line, galvanized preceded by lead or unknowns.

Potential responsibilities for water customers include (1) follow recommended guidance to reduce lead exposure. Guidance is available on the LEAP website and will also be available in any letter sent to customers; (2) participation in the Lead Service Line Inventory Study; (3) participation in the Lead Service Line Replacement Plan if they meet the requirements; and (4) participation in Compliance Lead and Copper testing if they are contacted.

Ms. Cook responded to Councilwoman Wisler about the plan to seek grants to help people who can't afford to make the repairs.

B. NOISE ORDINANCE UPDATE

Development Services Director Ben Woody updated City Council on the revisions to the noise ordinance. He reviewed the guiding principles, along with an update on the noise ordinance revisions. He outlined all the internal collaboration of the noise ordinance - including Information Technology, Community & Economic Development, Community & Public

Engagement, Development Services Center, Asheville Police Department, and Equity & Inclusion. The project team is grateful for the valuable contributions of many local organizations, including, but not limited to: Coalition of Asheville Neighborhoods, Asheville Music Professionals, Downtown Area Residential Neighbors, Housing Authority of the City of Asheville, Asheville Downtown Association, Asheville Brewers Alliance, and Asheville Independent Restaurants.

The top noise concerns are construction; refuse collection; vehicle exhaust/revving; commercial/industrial equipment; music overamplification: venues, outdoor events and buskers; fireworks; residential neighbors; and dogs and animals.

The community engagement included (1) 880 public comment responses on draft proposal - Nov/Dec 2020; (2) 1,490 online and paper survey responses - Spring 2019; (3) 25+ stakeholder meetings and forums (a) residents/neighborhood associations; (b) business/industry groups; and (c) Council committees; (3) direct email outreach to 120+ local businesses and resident groups; (4) Buncombe County Community Market participant surveys; (5) 150+ NoiseScore smartphone app "noise reviews"; (6) project webpage and press releases; and (7) newspaper articles and local news segments.

A summary of the community feedback includes (1) keep Asheville vibrant, but don't let noise hurt the quality of life; (2) use clear and objective sound measures; (3) develop community-based solutions to supplement enforcement; (4) partner with community groups to educate about noise; and (5) give clear guidelines to businesses and permit holders about noise.

Program recommendations include (1) staff administration in Development Services Department; (2) educational resources for residents/businesses/institutions/industries; (3) good neighbor policy with clear guidance to residents/businesses for handling common noise issues; (4) noise enforcement manual that outlines detailed enforcement protocols; (5) development notification system that notifies residents of permitted noise activity; and (6) review noise ordinance for improvements every 18 months - 2 years.

Mr. Woody then reviewed in detail each section of the proposed noise ordinance, including scope, definitions, general regulation, sound measurement, prohibitions, exceptions, construction noise permitting, administration, noise advisory board, non-exclusivity, violations, penalties, and appeals.

Mr. Woody then gave examples of resident to resident noise; and business to resident noise. There is still lack of consensus that requires additional attention (1) Central Business District daytime/nighttime decibel level (2) commercial daytime/nighttime decibel level; (3) possible commercial to residential "buffer area" decibel live; (4) day/night definition; and (5) sound exceedance permitting (a) event frequency; (b) decibel cap; and (c) sound exceedance curfew (not event curfew).

In response to the COVID-19 pandemic and community feedback, next steps include (1) delay the ordinance effective date for at least six months (continue ordinance adoption process in Summer 2021); (2) continue to transition current noise ordinance administration from Asheville Police Department to Development Services Department to address present noise concerns; (3) release final draft ordinance, Frequently Asked Questions and noise sampling log; (4) move forward with hiring and training the Noise Control Administrator and Noise Compliance Officer as part of the "Reimaging Public Safety" initiative; (5) make preliminary Noise Advisory Board appointments before ordinance effective date; (6) continue to take noise sample measurements during Summer 2021; and (7) revisit ordinance decibel limits before ordinance effective date.

Mr. Woody responded to various questions/comments from Council, some being, but are not limited to: if there is a delayed start, will there still be a trial period; will this ordinance address

illegal fireworks; what is the volume of noise ordinance calls per year, and is the high number of 2,000 partly due to our topography and repeat offenders; when the ordinance comes back to Council for consideration, request for a heat map of how many and where sound exceedance permits have been issued; concern that if we wait until September 14, 2021, to consider the ordinance that we are missing an opportunity to test out what some noise looks like; confirmation that we are already tracking and collecting data as if this proposed ordinance is adopted; and concern of sound exceedance permit violation jump of 2-weeks suspension to 365 day revocation.

C. MANAGER'S REPORT

Reparation Speaker Series

City Manager Campbell said that on July 14, 2020, Asheville City Council passed a Resolution Supporting Community Reparations for Black Asheville. The resolution calls for the City Manager to, "establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the Black community." The three phase process consists of Phase 1 - Information Sharing and Truth Telling (May 2021 - June 2021 - underway); Phase 2 - Formationof the Commission (July 2021 - August 2021); and Phase 3 - Finalize and Present the Report (January 2022 - April 2023).

The speaker series on June 3, 2021 (Past Policies and Practices) consisted of - (1) approximately 100 people seated in the room; (2) 45 people called in to listen by phone; (3) 20 information sharing videos; and (4) 939 views on YouTube (as of 9:00 a.m. today). The June 10, 2021, speaker series (Present Trends and Disparities) consisted of (1) approximately 150 people seated in the room; (2) 21 people called in to listen by phone; (3) 35 information sharing videos; and (4) 597 views on YouTube (as of 9:00 a.m. today). The speaker series on June 17, 2021 (Future Initiatives) consisted of (1) approximately 175 people seated in the room; (2) approximately 50 at the Eddington Center; (3) 14 people called in to listen by phone; (4) 19 information sharing videos; and (5) 469 views on YouTube (as of 9:00 a.m. today). There were approximately 2560 total connections. She then thanked the panelists and the other participants for their hard work on this speaker series, and outlined the next steps in Phase 2 and Phase 3.

City Manager Campbell said that on June 8, 2021, City Council passed a resolution and budget amendment in the amount of $2.1 Million in the City's General Capital Projects Fund utilizing land sale proceeds to provide initial funding for reparations.

She said that staff will (1) compile all information received during the Information Sharing and Truth Telling Speaker Series to share with the Reparations Commission when it is formed; (2) develop a Request for Proposals for project manager who will support the work of the Reparations Commission; and (3) make recommendations to City Council about the process and selection of Reparations Commission members.

In response to Vice-Mayor Smith, City Manager Campbell said that the Information and Truth Telling session is not the only public input to happen. This is just getting us started to hear the concerns and issues. She will be recommending to the project manager and the Commission to have ongoing discussions. She said that we can never have enough participation and we will be trying other avenues and venues to solicit participation, including going out to meet the public in their neighborhoods.

Asheville Police Department Update

Chief David Zack said that over the past 10 years, Asheville has experienced an increase in violent crime, which is on trend with other major metropolitan cities in North Carolina like Raleigh, Charlotte-Mecklenburg and Greenville. The Asheville Police Department (APD) continues to work with other city departments and community partners to take proactive steps to address crime and reimagine the role of APD. Despite current staff shortages, the APD is still aggressively developing strategies to address especially violent, but also other types of crime. He used a chart to show the violent crime in the U.S. vs. N.C. along with the overall crime rate, property crime and violent crime from 2011 through 2020.

He said that Asheville is not seeing a major increase in homicides like other major metropolitan cities. In 2020, 10 people were killed, and in 2021 (to date), 4 have been killed by gunfire. The national clearance rate for homicide is 61.4%. The APD clearance rates for homicides in 2019 was 58%, in 2020, 60% and in 2021 (to date) is 75%.

Regarding gun violence, 17 people have been shot in 2021 (year-to-date), down from 21 in 2020. The APD has seized 114 guns since January 1, 2021 (200 guns were seized in 2020). The APD coordinates monthly with federal, state, and local partners to discuss and address ongoing gun violence in Asheville.

Chief Zack used a chart to show calls for gun discharge and persons shot from 2017 to 2020. He then showed a chart of traffic stops and traffic citations in the past five years. In 2021, moving violations (60%), regulatory stops (23%), no drivers license/suspended (6%), equipment violation (6%) and all other (4%).

He said that if you are a victim of a non-emergency crime, use the P2C tool to report the incident online. Crime prevention is everyone's responsibility (1) remember to always lock your doors (both home and vehicle); (2) secure your belongings (secure bicycles, tools, and lawn equipment); and (3) place valuables out of sight. If you see something, say something. You can even "say something" anonymously using the TIP411 text feature or smartphone app.

Chief Zack said that online reporting of non-emergency crime is not new. In May of 2020, the APD announced an upgrade to the Police to Citizen tool that provides victims of non-emergency crimes the ability to submit reports online. For over a year, we have encouraged individuals to use P2C to report non-emergency crimes - proactive stores with local media and continuous social media reminders. Online reporting has been underutilized.

TIP411 provides the ability to anonymously provide information to the APD, as well as anonymous 2-way communication. He explained the two ways to use TIP411. TIP411 was rolled out on December 1, 2020. Since the rollout, 1,074 tips have come into the app. Many tips have led directly to, or assisted in, charges and arrests.

The APD continues to engage with community members and organizations about ways to reallocate and share public safety services (1) community paramedics (a) continue to work with Buncombe County to learn more about a co-response to calls regarding medical/behavioral health issues; (2) Asheville City Schools (a) conversations with Asheville City Schools about roles and responsibilities of School Resource Officers; (3) 911 consolidation; and (4) response to traffic crashes (a) crash report centers?; and (b) civilian crash investigators (Wilmington model)?

In summary, the APD continues to work with the community, as well as federal, state and local partners to discuss and address violent crime in Asheville. The number of traffic stops are down drastically compared to 2019 and 2020 numbers - the total number of regular stops and equipment violations have decreased by 25% since 2019. We continue to have conversations with other city departments and community organizations to reimagine public safety services.

Chief Zack responded to various questions/comments from Council, some being, but are not limited to: what happens to the money from drug seizures and who decides what the City's share is if there is a task force with other agencies; is there a key reason why clearance rates for homicides in 2021 is so successful; taking into account the population, how many accidents happened in 2019 and 2020 to tell more of a whole story to see if actually stopping vehicles results in safer commutes; how can we cut down on illegal guns and how many seized have had their serial numbers taken off; request for information on the technology of the gunfire locator; and update on staffing for police officers.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONDITIONALLY REZONE 70 MILLS GAP ROAD FROM INDUSTRIAL DISTRICT AND RS-2 RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

At the applicant's request, Councilwoman Turner moved to continue the public hearing to conditionally rezone 70 Mills Gap Road from Industrial District and RS-2 Residential Single-Family Low Density District to residential Expansion/Conditional zone to September 14, 2021. This motion was seconded by Councilwoman Kilgore and carried unanimously.

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4386 (14886) ORDINANCE ADOPTING THE FISCAL YEAR 2021-22 ANNUAL OPERATING BUDGET

Finance Director Tony McDowell said that this is the consideration of adopting the Fiscal Year 2021-22 Annual Operating Budget.

Background:

- The Fiscal Year (FY) 2021-22 Proposed Annual Operating Budget was presented to City Council on May 25, 2021.
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 28, 2021.
- City Council conducted a public hearing on the Proposed Budget on June 8, 2021.
- The following changes have been made to the Proposed Budget since it was presented to Council on May 28, 2021:
    - At the June 8, 2021, meeting, City Council took action to amend the FY 2020-21 Budget to budget $2.1 million from the White Lab sales proceeds for Reparations.
    - With Reparations funding approved in the current fiscal year budget, staff has removed the $1.2 million in funding that was included in the FY 2021-22 Proposed Budget.
    - An additional $25,000 is included in the General Fund to budget the revenues and expenses associated with the Reparations Speaker Series.
    - The FY 2021-22 Proposed General Fund Budget that was presented on May 25th was balanced with an ad valorem tax rate of 41.30 cents per $100 of assessed value, which was 3 cents above the revenue-neutral rate.
    - In the Budget Ordinance being considered tonight, staff has revised the proposed ad valorem tax rate down by 1 cent to 40.30 cents per $100 of assessed value.
    - In order to keep the FY 2021-22 General Fund Budget balanced at this lower ad valorem tax rate, staff is proposing the following adjustments:

- Utilize $1.0 million in American Rescue Plan (ARPA) funding to support transit operations, which will allow the City to reduce the General Fund transfer to the Transit Services Fund by $1.0 million in FY 2021-22.
- Increase the FY 2021-22 sales tax revenue budget by $400,000 based on updated estimates and continued strong growth in retail sales as the economy recovers from the COVID-19 pandemic.
- Appropriate $500,000 in unassigned fund balance based on projections that unassigned fund balance in the General Fund will exceed the City's 15% policy goal.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- Ensures City's compliance with North Carolina General Statutes that require local governments to adopt a balanced budget ordinance by July 1 of each year.
- General Fund budget is balanced for ongoing operating expenses and all essential City services are continued.

Con(s):

- None

Fiscal Impact:

- As noted above, the Proposed FY 2021-22 General Fund budget is balanced with an ad valorem tax rate of 40.30 cents per $100 of assessed value, which is 2 cents above the revenue neutral tax rate.
- The Proposed General Fund budget includes $150,000 to fund the City's participation in Buncombe County's new Homeowner Grant Program which is designed to help mitigate the impact of property tax increases for low-income homeowners.

Mr. McDowell said that the proposed budget is based on internal work, Council priorities, and community input including a continuation of the reimaging public safety process. The proposal is a balanced and fiscally responsible budget. It funds investments in Council priorities through a property tax rate above revenue neutral. It funds core community services in a time of rising costs. And, it continues funding for the capital improvement program. Work will continue during the next fiscal year, including reimaging public safety, reparations and strategic use of American Rescue Plan Act funding to achieve goals.

The Fiscal Year (FY) proposed budget was presented to City Council on May 25. City Council conducted a public hearing on the proposed budget on June 8. He then outlined the adjustments to the proposed budget (1) adjustment for reparations funding; and (2) adjustment to property tax rate.

Mayor Manheimer said that the public hearing on the budget was held on June 8, 2021, and no further comments will be accepted.

Vice-Mayor Smith moved for the adoption of the Fiscal Year 2021-22 Annual Operating Budget. This motion was seconded by Councilwoman Mosley.

Councilwoman Roney said "today I'm remembering the call for a Million Dollars for the People, and intergenerational Black leadership asking for us to divest from policing in order to invest in long-term safety strategies. Asheville is in a unique position with 188 vacancies in City Hall and additional resources to address overlapping emergencies. Reverend Amy Cantrell has called our budget a "moral document," the agreement and source of funding for our services, plans, and policies. On the face, the budget looks like what we need: housing, youth programming, neighborhood investment, expanded transit service, and action on lagging wages for our lowest-paid employees, including living wages for our firefighters. This looks like yes, but looking at the budget in 3D, there's more to the how and the why. (using a slide), First, the how - increasing property taxes. Joe Minicozzi at Urban 3 has generously compiled and presented data around the disproportionate impact of property tax increases and the ongoing structural racism in our assessment policies. The information hit me hard, and the responses I heard were incredibly moving and heavy. Seen here in comparison to the red-lining map (using a slide) and a side by side comparison with adjacent neighborhoods (using a slide), if we look at a longer range view, coming out of the recession in 2013, we see the assessment go down for Buncombe homes in the highest 20% value while the lowest 20% value see an increase. The how we get this budget funded matters. Neighbors including Nina Tovish and Rich Lee are voluntarily offering analysis around mitigating the impact of the property tax increase, and it sounds like our $150k for homeowners needs to be closer to a million, and that's not including the impact on renters and businesses. Then the why - because we are funding the new initiatives on top of business as usual. We need to diversify our responses to public safety calls, and we don't have to start from scratch. We can partner for Community Paramedicine and need to pursue a violence interrupter pilot. I'm hopeful, because of our resourceful neighbors, capable staff, and with my colleagues, that we can take bold action to get to the different outcomes we say we want! So, my suggestion is that we move to pass this budget with 2 amendments: 1) to get to work on our goal to reimagine public safety, freeze 15 (changing my original ask and responding to Durham) of the 88 open positions in APD so we can partner in diversifying our available responses to public safety calls like mental health crisis and overdoses and 2) commit publicly to finding the necessary funds to mitigate the impact of our increase in property taxes, including eviction protection funding through the ARP funds, because $150k isn't going to cut it. My expectation is that our hiring goals are an optimistic stretch, so mitigation funding might be found in the over $7-million in vacancies while we're experiencing a national push-back from workers demanding better wages and working conditions coming out of the pandemic."

Councilwoman Mosley said that when she initially saw the crime statistics, she delved into them a little more. She requested crime statistics specifically relating to black women. Over the past 5 years, 32% of victims of violent crime (rape, robbery, aggraviated assault and homicide) have been black. Despite comprising only 6% of Asheville's population, black females are 16% of all violent crime victims. The disparity is even greater when considering that 1 in every 5 (20%) of domestic crime victims in our city are black and female. She wondered what consideration, if any, and have we been able to extrallpulate how many black women will die if we reduce the number of police we have by 15. She wondered if anyone had considered that. She didn't think so.

Mayor Manheimer asked for a second to Councilwoman Roney's two amendments to the original motion. Hearing none, said amendment to the motion failed.

Mayor Manheimer noted the important things included in this budget that moves our community forward.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Smith moved for the adoption of the Fiscal Year 2021-22 Annual Operating Budget. This motion was seconded by Councilwoman Mosley and carried on a 6-1 vote, with Councilwoman Roney voting "no."

ORDINANCE BOOK NO. 33 – PAGE 329

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-139 - RESOLUTION UPDATING THE LAND USE INCENTIVE GRANT POLICY

Community Development Programs Director Paul D'Angelo said this is the consideration of updating the Land Use Incentive Grant Policy.

Background:

- In November of 2010, City Council first adopted a Land Use Incentive Policy that provided incentives to encourage development projects that fulfill important public purposes directly addressing annual strategic goals set by Council such as affordable housing.
- Council directed that the Policy be reviewed yearly after its adoption.
- Since that time, the Policy has been revised six times in March of 2011, January of 2013, August of 2014, September of 2015, September of 2018, October of 2019 and November of 2020.
- A continued goal of Community Development, per community discussions with stakeholders and developers, is to make policies easy to comprehend, usable & equated to an investment partnership dollar amount to be used as a source in a proforma / balance sheet.
- Changes of note -
    - Allow a LUIG for partner developers who purchase an existing market rate building and would like to add at least 20% of the units, for individuals and families at or below 80% Area Median Income (AMI), for a minimum of 20 years.
    - The LUIG is a grant back of the tax value on the full building value, but not the land value.
    - 25 pts. for converting at least 20% of the units, within 2 years, for individuals and families at or below 80% Area Median Income (AMI), for a minimum of 20 years.
    - 40 pts. for converting at least 20% of the units, within 2 years, for individuals and families at or below 80% Area Median Income (AMI), for a minimum of 30 years.
    - 50% of the affordable units should be rented to Housing Choice Voucher holders / Rental Assistance. The developer must demonstrate good faith efforts if 50% of the affordable units are not rented to Housing Choice Voucher holders.
    - Community Outreach & Engagement for Affordable Units

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Affordable Housing Advisory Committee (AHAC) - May 6, 2021, approved for HCD.
- Housing & Community Development (HCD) Committee - May 18, 2021, approved for City Council

Pro(s):

- The proposed amendments come from staff based on recent usage of the updated LUIG Policy dated November, 2020, and developers interested in adding affordable units to their purchase to be a part of the solution.
- Potential quicker addition of affordable units (within 2 years) versus waiting for new construction.
- The policy follows Community Development efforts of creating policies that are easy to comprehend, usable & equated to a partnership investment dollar amount to be used as a source in a proforma / balance sheet.
- Additional clarity from an Equity lense with our Equity & Inclusion Department.

Con(s):

- Concern of foregoing / reduction of future property tax dollars in exchange for affordable housing.

Fiscal Impact:

- Future LUIG grant subsidies should remain the same or could potentially increase if we are able to preserve affordable housing units with this update.
- Like all LUIG updates, the more use of this policy as an affordable housing tool would require a higher yearly budgeted amount to cover the grant of the property taxes.

Mr. D'Angelo explained that this LUIG update will allow existing market rate units to convert to affordable units to help preserve and protect affordable housing. Affordable units from existing housing stock can be added more quickly than new construction which can take 2 to 3 years to come online. We are asking our development partners to assist more with the acceptance of Housing Choice Vouchers - Individuals & Families at or below 60% Area Median Income. There has been community outreach and marketing for equity & inclusion.

He then explained the City's role in affordable housing which is to produce, preserve and protect affordable housing in partnership with funding, city-owned land, regulatory and convener/collaborator.

With the current LUIG, every 5 points can earn one year of economic incentive. Equivalent to City property taxes (with full improvement calculated) in excess of currently assessed city taxes at the time of LUIG application for one year applied annually, to be dated from the date of release of all occupancy permits for the project. LUIG not to exceed 20 years plus one. LUIG's are paid with General Fund dollars and are budgeted annually.

With the updated LUIG, every 5 points can earn one year of economic incentive. Equivalent to City property taxes (with full improvements calculated) in excess of currently assessed city taxes at the time of LUIG application for one year applied annually, to be dated from the date of release of all occupancy permits for the project. LUIG not to exceed 20 years plus one. For adding affordable units to an existing all market rate rental complex, the tax value on the building will be granted back but not the land value. Twenty-five points for converting at least 20% of the units, within 2 years, for individuals and families at or below 80% Area Median Income for a minimum of 20 years. Forty points for converting at least 20% of the units, within 2 years, for individuals and families at or below 80% Area Median Income for a minimum of 30 years.

Mr. D'Angelo then gave examples for new construction and conversion.

Other changes of note is that at least 20% of the units must meet the affordability standards set by the City of Asheville for individuals and households earning 80% or less of the Area Median Income, which would include at least 50% of the affordable units accepting Rental Assistance like Housing Choice Vouchers.

Regarding community engagement and outreach for the affordable units for equity & inclusion, whether building new or purchasing old, Community Development expects our development partners to reach out to organizations, groups, and stakeholders about the affordable units coming online for rent. Community Development encourages our development partners to outreach and engage with all their neighbors in the immediate vicinity of the build or building purchase. At a minimum, Community Development requires the builder to outreach and meet with, in a timely lease-up manner, the following organizations - Housing Authority of the City of Asheville; Homeward Bound; Mountain Housing Opportunities; Asheville Area Habitat for Humanity; Thrive Asheville; Asheville-Buncombe Community Land Trust; OnTrack, the nearest neighborhood association; and all churches and businesses within a half mile.

Councilwoman Turner said we gave good tools around new construction, and that this is one way we can now tap into the preservation and protection of existing homes, whether it's a single-family home, an apartment complex, or a four-plex.

In response to Councilwoman Roney's question about the possibility to consider a "ban the box" initiatives as part of the City's LUIG program, City Attorney Branham said that, generally speaking, many of the rules around housing are governed by federal laws and outside of City authority. He would have to explore that more deeply before offering a final opinion.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Turner moved for the adoption of the updated Land Use Incentive Grant Policy. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 – PAGE 266

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Seventeen individuals spoke to Council for several reasons, some being, but are not limited to: shut down Pritchard Park; move forward with the noise ordinance; move adoption of the noise ordinance before September because by September artists and businesses will have contracts signed and deposits put down well into 2022 and if the ordinance changes, there will be lost deposits and lost contracts which may result in businesses going out of business; request to move the noise ordinance to the July 27, 2021, agenda; need to expand the property tax mitigation amount of $150,000; place 319 Biltmore Avenue into the reparations program; support for Asheville Police Department; request for citizens to be able to use the Council laptop without providing the information ahead of time; defund the Asheville Police Department and reallocate the funds into the black community; need support from the City for the YMI Cultural Center building restoration; need to increase affordable housing; and use ARPA funds for eviction moratorium; affordability should be 60% AMI and below.

After a brief discussion initiated by Councilwoman Turner, it was the consensus of City Council to consider the noise ordinance revisions at their July 27, 2021, meeting.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:18 p.m.

356

Magdalen Burleson
CITY CLERK

Esther E. Manke
MAYOR

Tuesday – July 27, 2021 - 2:30 p.m.

Worksession - American Rescue Plan Funding Summary Plan

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

City Manager Campbell explained the worksession outline. She said we are asking Council direction (1) do you agree with the most highly scored categories; (2) how should funding be allowed; and (3) confirm that next steps will be to develop a process to solicit specific funding requests from partner groups and agencies.

Internal Auditor Patricia Rosenberg reviewed with Council (1) the many ARPA available grants; (2) local Fiscal Recovery Fund allowable uses; (3) planning process; (4) evaluation process; and (5) tentative results.

The direct allocations to the City from the ARPA grants include (1) state and local fiscal aid - $26.2 Million; (2) HOME funds - $4.7 million (for a 4 county region); (3) public transportation - $1.8 million; and (4) shuttered venue operations grant - $1.6 million.

She detailed the allowable uses of the following categories: public health uses; negative economic impacts (presumption of eligibility inside Qualified Census Tracts); premium pay, revenue losses; investment in infrastructure; and crime response and prevention.

She then outlined key dates with May of 2022 the City receiving the second half of funding - $13.1 million.

Main considerations are to (1) be able to justify and explain what we do; (2) ensure equitable outcomes; and (3) maximize impact.

She then outlined the planning process - goal was to create a summary spending plan (1) identify buckets that will be funded (e.g. homelessness, mental health, revenue losses, etc.); (2) specific projects to be identified later - to allow time for equitable, inclusive outreach; and (3) retain flexibility to identify the best implementation approach for the categories that are funded - City of Asheville or community partners.

She then outlined how the categories were identified and community engagement. She briefly reviewed the internal requests (City infrastructure; community communication; employee recruitment and training; premium pay for employees; public infrastructure for adaptability; stormwater infrastructure; utility billing; and water infrastructure) and the Council survey results. The Council survey included three questions (1) additional categories to consider for funding (a) several suggestions for projects that rolled into categories; (b) domestic violence prevention and assistance; (c) rental and homeownership assistance; and (d) educational initiatives; (2) agreement with evaluation approach (a) 6/7 agreed with the evaluation scoring; and (b) one comment about public engagement; and (3) how funding should be allocated (a) 4 responses in favor of having a few categories fully and/or significantly funded; and (b) 3 responses in favor of funding more categories on smaller scale.

She noted that the following are approved and planned usage to date: Previously approved by Council - emergency non-congregate homeless shelter - $906,407; and public portable restrooms - $90,000. Upcoming requests for planned usage include emergency non-congregate homeless shelter - $855,230; Homeward Bound acquisition of the Days Inn - $2

Million; and hotel purchase emergency shelter - $9,193,828. Other tentatively planned usages include $2 Million (revenue losses) from the parking fund; and $750,000 estimated costs to hire 1-2 staff to manage funds for three years. The total of the approved and planned usages total $15,795,465. The total remaining funds is $10,498,388.

Eric Jackson, with the Office of Data and Performance, explained the evaluation process, along with the guiding principles. The tentative results - top scoring are affordable housing; community communication; homelessness services; public health, mental health; and substance abuse; small business recovery; and workforce development. Middle scoring are community led capacity building; emergency planning; stormwater infrastructure; transit; transportation connectivity infrastructure; and water infrastructure. Low scoring are arts and cultural expression; care for aging residents; childcare; city infrastructure; domestic violence prevention and assistance; employee recruitment and training; environmental protection/sustainability; food security; premium pay for employees; public infrastructure for adaptability; utility billing; and youth programming.

He asked for Council direction on (1) if Council agrees with the most highly scored categories; (2) how should funding be allocated (2) a few categories funded and/or significantly funded; or more categories funded on smaller scale; and (3) does Council want City staff to develop a Request for Proposals (RFP) process to solicit specific projects for the selected priority categories.

Next steps include (1) August 24, 2021 - Council to approve category allocation and RFP process plans; (2) September 2021 - kick of community RFP process; and (3) October 2021 - RFP proposals evaluation and approval of project awards.

Throughout the considerable discussion, City Manager Campbell, Ms. Rosenberg and Mr. Jackson responded to various questions/comments from Council, some being, but are not limited to: various other funding sources for some high categories and whether the City should be using it's limited funds for those; need for coordination with other organizations on funding options; projects that could be funded under which category; thoughts on which categories should remain in the high category - noting that staff will ask for RFP proposals only for the high categories; need to focus and build projects that the City currently has staff and knowledge of completing; workforce development and small business recovery could be combined and focus on small businesses that did not qualify for other federal funds; need for equity to be in all guiding principles; because all top, middle and low categories are important, staff requested to provide a comprehensive list of what other agencies are getting money to fund those categories; request for estimates of how much money each category is requesting; thought that if community led capacity building was moved to a top category it would allow the community to bring in community programs; confirmation that affordable housing could include land banking; definitions of broad categories; request to rename food security to food systems; possibility uses of the opioid settlement; confirmation that December 31, 2026, is the date when the ARPA funds must be spent by; concern about timing of affordable housing projects; what type of projects are in the infrastructure bill; plan is for the RFPs to be issued in September; why are not other revenue losses being considered, i.e., Harrah's and Transit; concern when we get our climate justice initiative report and the reimaging public safety reports there won't be funds to fund projects; and the need to ask for public input at the beginning of the process, not at the end.

City Manager Campbell said that after the next worksession, scheduled on August 24, 2021, prior to the City Council formal meeting, and once City Council agrees on the top categories, staff will be asking the public for their input.

Mayor Manheimer announced that Council will hold another worksession on the ARPA funding on August 24, 2021, at which time they will review the additional information City staff provides and give staff direction on (1) if Council agrees with the most highly scored categories; (2) how should funding be allocated (2) a few categories funded and/or significantly funded; or more categories funded on smaller scale; and (3) does Council want City staff to develop an RFP process to solicit specific projects for the selected priority categories.

At 4:36 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – July 27, 2021 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Councilwoman Roney, Consent Agenda Item "K " was removed from the Consent Agenda for discussion and/or individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 22, 2021

B. RESOLUTION NO. 21-140 - RESOLUTION REVOKING RESOLUTION NO. 19-185 AND AUTHORIZING THE CITY MANAGER TO PURCHASE NON-HEALTH-BENEFIT-RELATED INSURANCE POLICIES UP TO $750,000 AND ISSUE PROPERTY CLAIMS-RELATED PAYMENTS

Action Requested: Revoke Resolution 19-185 and adopt a new resolution authorizing the City Manager to purchase non-health-benefit-related insurance policies; and issue property claim-related payments.

Background:

- In 2019, Asheville City Council adopted Resolution No. 19-185; authorizing the City Manager to purchase non-health benefit-related insurance policies and issue property claim-related payments up to $500,000.
- Annually, the City of Asheville (City) renews policies to provide coverage against risk exposures, including but not limited to: excess workers' compensation and liability (general liability, public officials, employee practices, and law enforcement), dam liability, property (structures/vehicles/equipment), crime, cyber, flood, and builder's risk, when necessary.
- All policies are quoted via the City's Insurance Broker of Record to ensure appropriate coverages are obtained from the commercial insurance market.

- Annually, Asheville City Council approves policy premium costs budgeted within the City's Workers' Compensation and Property & Liability Funds.
- City property insurance premium increased from $463,026 in Fiscal Year (FY) 2021 to $649,660 in FY 2022 as a result of insurance market rate increases and six (6) large loss City claims filed since 2016, totalling $1,758,578 reimbursed to the City via insurance proceeds.
- In order to (1) purchase policies at the new market rate (up to $750,000 per policy); and (2) pay City property claim-related expenses, authorization can be delegated to the City Manager .

Council Goal(s):
- A Financially Resilient City

Committee(s):
- June 25, 2019, Finance and Human Resources Committee recommended approval of Resolution No. 19-185.

Pro(s):
- Ensures no policy lapse that may financially expose City employees and assets.
- Timely insurance policy renewals and good standing with City insurance carriers.
- Ensures timely property claim-related payments to expedite City asset repair/replacement.

Con(s):
- None.

Fiscal Impact:
- There is no direct fiscal impact to this action.
- In Fiscal Year 2022, projected City insurance policy premiums totalling approximately $1,375,000 are already included in the annual budget approved by City Council.
- Property claim payments utilize funds received from City insurance carriers to repair/replace damaged City assets, less related deductibles.

Motion:
- Motion to adopt a resolution to revoke Asheville Resolution 19-185 authorizing the City Manager to issue payments for non-health-benefit-related insurance premiums up to $500,000 and authorizing the City Manager to (1) issue payments for non-health-benefit-related insurance premiums up to $750,000 per policy and; (2) make City property insurance claim-related payments.

RESOLUTION BOOK NO. 42 - PAGE 275

C. RESOLUTION NO. 21-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT WITH 120WATER ASSOCIATED WITH LEAD EDUCATION AND PREVENTION PROGRAM

Action Requested: Adoption of Contract Amendment with 120Water Audit, Inc. for Lead Education & Awareness Program.

Background:
- This contract amendment will expedite lead service line inventory data collection for lead and copper revisions and help with public outreach and education.

- The U.S. EPA Lead and Copper Rule Revision (LCRR) requirements provide three years for the water departments to implement a service line inventory, work with schools and daycares to set up sampling plans/schedules and plan a public outreach program.
- This contract amendment is needed to meet these goals.
- The three year contract will provide the data tracking platform and help with the service line inventory and customer education.
- If the City decides to continue working with 120Water, we will reserve the option to renew for an additional two years to provide sample kits and analysis for schools/daycares and compliance sampling that is required starting in 2024 and in 2025 should we be required to return to annual monitoring by NCDEQ due to the new rule regulations .

Vendor Outreach Efforts:

- This is an amendment to the current contract, therefore no further outreach was performed.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- N/A

Pro(s):

- Lead and copper revisions will be implemented in a more efficient manner.
- Customer education will be readily available.
- The Water Resources Department staff will gain a better understanding of service lines in the distribution system.
- Schools and daycares will have a better understanding of how to protect the children and families they serve.

Con(s):

- Failure to adopt an amendment will result in difficulty remaining in compliance with Federal and State regulations.

Fiscal Impact:

- The Water Resources Department has the funds to encumber the yearly contract amount of $163,770.94 in its operating funds.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with 120Water Inc. for the *Lead Education and Prevention Program* in the amount of $171,920 increasing the total contract for the next five years to $663,232.80.

RESOLUTION BOOK NO. 42 - PAGE 276

D. RESOLUTION NO. 21-142 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SIDEWALK MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR A NEW SECTION OF SIDEWALK ALONG BROADWAY STREET BETWEEN THE FUTURE I-26 AND RIVERSIDE DRIVE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a sidewalk maintenance agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to construct a sidewalk along SR 1781 (Broadway Street) between US 19-23 (Future I-26) and NC 251 (Riverside Drive).

Background:

- The section along SR 1781 (Broadway Street) between US 19-23 (Future I-26) and NC 251 (Riverside Drive) is identified as a needed linkage on the pedestrian plan.
- Daily traffic volumes along US 19-23 (Future I-26) in the immediate area of the interchange exceed 60,000 vehicles per day.
- Daily traffic volumes along SR 1781 (Broadway Street) in the immediate area of the interchange exceed 8,000 vehicles per day.
- The NCDOT has developed the plans and specifications in accordance with their standard policies and procedures for pedestrian facilities.
- The NCDOT is fully funding the project.
- The City will be responsible for the maintenance activities when the project is completed.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Increases the inventory of completed sidewalk sections.
- NCDOT is fully funding the construction of the sidewalk section.
- Enhances pedestrian flow and safety through a high traffic volume interchange area.
- Provides a needed connection to University of North Carolina Asheville (UNCA) facilities.

Con(s):

- The City is responsible for all maintenance activities.

Fiscal Impact:

- There is no immediate fiscal impact to the City and future maintenance activities would be addressed with the Public Works Department's annual operating budget along with other existing sidewalk needs.

Motion:

- Motion to authorize the City Manager to enter into and execute a sidewalk maintenance agreement with the NCDOT for the NCDOT to construct a sidewalk along SR 1781 (Broadway Street) between US 19-23 (Future I-26) and NC 251 (Riverside Drive).

RESOLUTION BOOK NO. 42 - PAGE 277

E. RESOLUTION NO. 21-143 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH J. BARTHOLOMEW CONSTRUCTION FOR THE PUBLIC WORKS BUILDING A ROOF REPLACEMENT PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with J. Bartholomew Construction, LLC. in the amount of $496,400 for the Public Works Building A Roof Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $74,460 (15%).

Background:

- Several roof leaks in the building envelope have been identified at the Public Works Building A Facility, located at 161 S. Charlotte Street.
- The roofing membrane at this facility has reached its end-of-life.

- To maintain operations at the facility, a new roofing system must be installed.
- This project will also see repairs or improvements to other building envelope items such as the skylight system, masonry, window sealants, and through wall flashings.
- This project was identified for replacement in the Capital Projects Priority Schedule.
- Bids were advertised on May 13, 2021.
- The City received and opened three bids on June 10, 2020.
- The names of the contractors and bid amounts (with selected alternates) are listed below:
    - J Bartholomew Construction, LLC. *Hendersonville, NC* $496,400
    - Nations Roof of Carolina, LLC. *Charlotte, NC* $948,000
    - WNC Roofing, LLC. *Fletcher, NC* $837,520
- J Bartholomew Construction, LLC. was the lowest responsible responsive bidder.
- Due to Covid-19 disruptions causing roofing material shortages, the contractor will be given 275 days from the date of the Notice to Proceed to execute the work, substantial completion for all work will be limited to the end of Spring 2022.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
-
- No MWBE firms submitted bids with this prime contractor.

Council Goal(s):

- A financially resilient city

Committee(s):

- None

Pro(s):

- These repairs or improvements will give the building's envelope another 20 years of usable life.
- The new roofing membrane material will be compatible with fluid applied membrane applications in the future, resulting in lower planned maintenance costs for the remainder of the building's usable life.

Con(s):

- During construction, some modest disruption will be seen and heard by building occupants.

Fiscal Impact:

- Funding for this contract is already included in the Adopted Capital Improvement Program budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with J. Bartholomew Construction, LLC. in the amount of $496,400, for the Public Works Building A Roof Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $74,460 (15%).

RESOLUTION BOOK NO. 42 - PAGE 278

F. RESOLUTION NO. 21-144 - RESOLUTION UPDATING THE FEE REBATE POLICY ALLOWING COMMUNITY & DEVELOPMENT SERVICES STAFF TO APPROVE FEE REBATES FOR AFFORDABLE UNITS

Action Requested: Approval of an Updated Fee Rebate Policy allowing Community & Development Services Staff to approve Fee Rebates for affordable units.

Background:

- In March of 2011, City Council adopted a Fee Rebate Policy as part of a broader Land Use Incentive Grant (LUIG) Policy to incentivize development of affordable housing in accordance with Council strategic goals.
- A fee rebate is a refund of certain development and planning related fees that may be granted in accordance with this policy upon completion of an affordable housing project.
- The City of Asheville Fee Rebate Policy for Affordable Housing & Sustainability was updated on October 22, 2019, adopted by the Asheville City Council by Resolution #19-244.
- Highlights included making Fee Rebates a stand alone policy, incorporating tiered rebates based on affordability, adding sustainability rebates, and up front fee waivers.
- The current Fee Rebate Policy states -
    - The applicant should expect the application to be considered in four meetings open to the public: 1) at a regular meeting of the Housing and Community Development Committee; 2: at a regular meeting of the Finance & Human Resources Committee; 3) at a regularly scheduled City Council meeting, when a motion to hold a public hearing will be formally considered; 4) at a regularly scheduled City Council meeting when the public hearing will be heard, and the grant request will be formally considered by Council.
    - Approval of a Fee Rebate Grant under this Policy requires a public hearing and approval by the City Council.
- With the generally lower dollar amounts of Fee Rebates & Fee Waivers, and a yearly budget, Community Development and Development Services staff feel Fee Rebates & Waivers can be managed, monitored and approved at a Staff Level, without the added time of committee & council meetings.
- As with other policies, the Fee Rebate Policy will continue to be reviewed yearly after its adoption in partnership with other departments, stakeholders and the community.
- After review with the partners, CD staff feel the added steps of committees and Council is not necessary for this affordable housing tool.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Housing & Community Development Committee June 15, 2021- CD update / move to Council

Pro(s):

- The proposed policy update comes from staff, community stakeholders, developers and committee members over the past year.
- The policy follows Community Development efforts of creating policies that are easy to comprehend, usable and equated to an investment amount to be used as a source in a pro forma.
- The policy will save time for staff, committees, Council and the applicant.

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Motion to approve the new stand alone Fee Rebate Policy.

RESOLUTION BOOK NO. 42 - PAGE 279

G. **RESOLUTION NO. 21-145 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY A SERIES OF CONTRACTS/CONTRACT AMENDMENTS TO SUPPORT EMERGENCY NON-CONGREGATE HOMELESS SHELTER AT LOCAL HOTELS FOR PEOPLE EXPERIENCING HOMELESSNESS**

14887

ORDINANCE NO. 4387 - BUDGET AMENDMENT FROM THE AMERICAN RESCUE PLAN TO SUPPORT EMERGENCY NON-CONGREGATE HOMELESS SHELTER AT LOCAL HOTELS FOR PEOPLE EXPERIENCING HOMELESSNESS

Action(s) Requested: Ratify the execution of a series of contract amendments to support emergency non-congregate shelter at local hotels for people experiencing homelessness and associated budget amendment in the Special Revenue Fund in the amount of $855,230 from American Rescue Plan (ARPA) funding to fund the contracts.

Background:
- Since April 19, 2021, the City has made arrangements with local hotels for rooms to serve people experiencing homelessness who were previously camping on public property.
- These contracts allow for the City to provide a shelter option for people who had been given notice to dismantle their camps.
- Sunrise Community for Recovery & Wellness has provided on-site supportive services to support homeless individuals at these locations.
- This initiative has served 116 people experiencing homelessness.
- The original contracts provided for shelter through June 30, 2021. These amendments allow for continuation of emergency shelter until September 15, 2021.
- This action will add $92,850 to the contract with ATL Hospitality, LLC for a total contract amount of $200,050.
- Adding these funds will pay an increased room rate amount for the month of July (approximately $30/night increase) and extend the contract through July 31, 2021.
- On July 31, 2021, shelter operations will be consolidated into one location and supported by contract extensions with Five P Mountain, LLC and SunriseCommunity for Recovery & Wellness, Inc. through September 15, 2021.
- The contract and budget amendments will add $538,168 to the existing contract with Five P Mountain, LLC for a total contract amount of $919,168.
- The additional funds will cover the costs of up to 17 additional rooms; an increase of $10/night per room; and the extension of the contract to September 15, 2021.
- The contract and budget amendments will add $244,213 to the existing contract with Sunrise Community for Recovery & Wellness, Inc. for a total of $331,841.
- The additional funds will cover supportive service and security costs 24/7 for all shelter participants through September 15, 2021.

Council Goal(s):
- A Well-Planned and Livable Community
- A Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Addresses public health and safety
- Provides a shelter option to address the needs of people experiencing homelessness

Con(s):
- None

Fiscal Impact:
- Allocate funds from the American Rescue Plan in the Special Revenue Fund in the amount of $855,230 for a series of contract amendments for homeless non-congregate shelter interventions at local hotels.
- Along with previously authorized funds, this action brings the total budget for this initiative to $1,761,637.

Motion(s):
- Motion to adopt a resolution ratifying the execution of a series of contract amendments to support an emergency non-congregate shelter at local hotels for people experiencing homelessness; and a budget amendment in the amount of $855,230 from American Rescue Plan (ARPA) funding to fund the contracts.

RESOLUTION BOOK NO. 42 - PAGE 286
ORDINANCE BOOK NO. 33 - PAGE 336

H. RESOLUTION NO. 21-146 - RESOLUTION AUTHORIZING RECEIPT OF AMERICAN RESCUE PLAN (ARPA) FUNDING AND DELEGATING THE RESPONSIBILITY TO EXECUTE ANY NECESSARY AGREEMENTS RELATED TO ARPA FUNDING TO THE CITY MANAGER

Action Requested: Adoption of a resolution authorizing receipt of American Rescue Plan (ARPA) funding and delegating the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.

Background:
- The American Rescue Plan Act (ARPA) of 2021, which is designed to facilitate the United States' recovery from the devastating economic and health effects of the COVID-19 pandemic, was signed into law by President Biden on March 11, 2021.
- As a part of ARPA, the City of Asheville will receive $26.2 million.
- City staff has begun facilitating discussions with Council to develop a plan for utilization of Asheville's $26.2 million in ARPA funding.
- In addition to adoption of the plan and the budget amendment(s) associated with usage of ARPA funding, staff at the UNC School of Government are recommending that, in accordance with G.S. 160A-17.1, local government boards take action to authorize receipt of ARPA funding and delegate responsibility to execute any necessary agreements related to ARPA funding to the City Manager.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Provides authorization for the City of Asheville to receive ARPA funding.

Con(s):
- None.

Fiscal Impact:
- Allows the City to move ahead with planning for and budgeting the $26.2 million in ARPA funding.

Motion:
- Motion to adopt a resolution authorizing receipt of American Rescue Plan (ARPA) funding and delegating the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.

RESOLUTION BOOK NO. 42 - PAGE 287

I. RESOLUTION NO. 21-147 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH WPLAW, FOUNTAINS DIVISION, FOR THE PACK SQUARE PARK MID-BLOCK FOUNTAIN RESTORATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the executed design-build contract with WPLaw Incorporated, in the amount of $23,440 for the Pack Square Park SPLASHEVILLE Fountain Restoration Project.

Background:
- The three Pack Square Park fountains were evaluated in Fall 2020.
- At that time, due to vandalism and repeated flooding of the vault, there was no power or water to the site.
- Without power and water the operability of the equipment could not be fully evaluated.
- In March 2021,the City entered into a design-build contract with WPLaw Incorporated (Fountains Division) of Lexington, SC to repair the Splasheville fountain for $214,765.
- The initial repairs have been completed.
- However, when the water and power were restored, additional essential equipment was not working including the main pump motor and chemical pumps.
- These additional funds allow for the equipment to be replaced and for the fountain to be placed back into operation.

Vendor Outreach Efforts:
- This is a change to an existing contract.
- Outreach for the original contract included staff performing outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No MWBE firms submitted bids with this prime contractor and all work will be self performed by the prime contractor.

Council Goal(s):

- A well planned and livable community.

Committee(s):
- Not applicable. Currently the Parks and Recreation Advisory Board is not meeting.

Pro(s):
- This contract amendment will fund the restoration of a highly used downtown amenity.
- The new equipment will provide a more reliable fountain feature.

Con(s):
- None

Fiscal Impact:
- Funding for this contract is included in the Pack Square maintenance budget in the Parks and Recreation Department's Adopted General Fund budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the executed design-build contract with WPLaw Incorporated, in the amount of $23,440 for the Pack Square Park SPLASHEVILLE Fountain Restoration Project.

RESOLUTION BOOK NO. 42 - PAGE 288

J. RESOLUTION NO. 21-148 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TERMINIX FOR PEST CONTROL IN VARIOUS CITY OF ASHEVILLE BUILDINGS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a renewal contract with Terminix of Asheville for general pest control for various City Buildings in the amount of $20,229.30.

Background:
- This is an annual renewal of an existing contract.
- This renewal will put the total contract price at $97,500.
- This renewal will continue general pest control in various COA Buildings through June 30, 2022.
- This service will be bidded as a multi year contract that will start on July 1, 2022.

Vendor Outreach Efforts:
- Staff performed outreach to minority and women owned businesses.
- There are no known minority and women owned businesses available for pest control services in the area.

Council Goal(s):
- To continue providing general pest control services at various COA buildings.

Committee(s):
- N/A

Pro(s):
- Avoids lapse in pest control service.

Con(s):

None

Fiscal Impact:

- Funding for the contract is included in the current adopted budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a renewal contract with Terminix of Asheville for general pest control for various City Buildings in the amount of $20,229.30.

RESOLUTION BOOK NO. 42 - PAGE 289

K. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GLEESON BUILDERS LLC FOR THE BROADWAY PUBLIC SAFETY STATION PROJECT

This item was removed from the Consent Agenda or discussion and/or an individual vote.

L. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL'S TRAVEL POLICY ADOPTED JANUARY 26, 2016

Each year the N.C. ABC Commission, in compliance with Chapter 18-B700, Article 7, g (2), requires its ABC boards to get annual approval of board travel policies from their appointing authorities. Section g (2) of 18B-700 states, "The local board shall annually provide the appointing authority's written confirmation of such approval...".

The ABC Board formally requests the City of Asheville's written confirmation of the Asheville Board of Alcoholic Control Travel Policy.

M. RESOLUTION NO. 21-150 - RESOLUTION INCREASING THE MEMBERSHIP OF THE ASHEVILLE HOUSING AUTHORITY FROM FIVE TO SEVEN COMMISSIONERS

On May 30, 1940, The City Council approved a resolution determining that there was a need within the city for a Housing Authority, and requesting the Mayor to appoint an initial board of five commissioners. On June 11, 1940, the original Certificate of Appointment was filed with the City Clerk recognizing the appointment of the initial five commissioners of the Asheville Housing Authority. Pursuant to North Carolina General Statute § 157-5(c), the City Council is authorized to increase or decrease the membership of the Housing Authority board of commissioners in accordance with the limitations prescribed by this Chapter of the State Statutes. City Council now wishes to increase the number of commissioners of the Asheville Housing Authority from five to seven. City Council believes that this change will enhance the Authority's ability to perform its duty of providing safe and sanitary dwelling accommodations for persons of low income. Now, therefore, the number of commissioners for the Asheville Housing Authority is hereby increased from five to seven, and the initial terms of the new commissioners shall be designated by the Mayor at the time of appointment. These initial terms shall be not less than one nor more than five years. Thereafter, the term lengths shall be consistent with that of the remaining board members.

Motion to adopt resolution increasing the membership of the Asheville Housing Authority from five to seven commissioners.

RESOLUTION BOOK NO. 42 - PAGE 291

N. RESOLUTION NO. 21-151 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH VAUGHN AND MELTON CONSULTING ENGINEERS FOR THE DESIGN OF SLIDE REPAIRS FOR VANCE GAP ROAD

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Vaughn and Melton Consulting Engineers, Inc. in the amount of $286,060.50 for the Vance Gap Road Slide Repairs Design contract.

Background:

- Heavy rains in April caused a slope failure on Vance Gap Road.
- Public Works staff performed temporary repairs to the slope, but a permanent solution will be required.
- The Request for Qualifications (RFQ) was advertised on April 20, 2021, and responses were due by May 5, 2021.
- Two responses to the RFQ were received:
  Gannett Fleming, Inc. of Asheville, NC
  Vaughn and Melton Consulting Engineers, Inc. of Asheville, NC
- Vaughn and Melton received the highest score from the scoring committee.
- The scoring committee consisted of representatives from Public Works, Communication and Public Engagement, and Building Safety staff from the Development Services Department.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. Staff also checked the N.C. Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Six MWBE companies were directly contacted regarding the RFQ.
- None of these companies submitted a response.
- Two of the subcontractors on the design team are women-owned businesses.

Council Goal(s):

- This project aligns with the 2036 City Council Vision of a Well-Planned Livable Community.

Committee(s):

- None

Pro(s):

- This contract will provide a design to stabilize Vance Gap Road which is the only access for the residents.
- Successful completion of the project will assure emergency response access and core service delivery to the community.

Con(s):

- None

Fiscal Impact:

- This contract will be a not-to-exceed contract.
- Funding for this contract will come from the FY21 Capital Improvement Program (CIP) contingency budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Vaughn and Melton Consulting Engineers, Inc. in the amount of $286,060.50 for the Vance Gap Road Slide Repairs Design contract.

RESOLUTION BOOK NO. 42 - PAGE 292

O. RESOLUTION NO. 21-152 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GREEN BUILT ALLIANCE TO IMPLEMENT AND MANAGE THE BLUE HORIZONS PROJECT AND BLUE HORIZONS PROJECT COMMUNITY COUNCIL

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with the Green Built Alliance to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

Background:

- On January 28, 2020, City Council authorized Resolution 20-18 and created the Blue Horizons Community Council to achieve the community-wide renewable energy goal.
- On January 28, 2020, City Council approved Resolution 20-19 and authorized an interlocal agreement with Buncombe County to issue a joint Request for Proposals (RFP) to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council for the next three years, depending on availability of funding.
- This will be the second year of the three-year period before reissuing an RFP for this work.
- Buncombe County advertised the RFP on May 6, 2020, and the County received responses on June 12, 2020.
- The County received one response from the Green Built Alliance.
- The City and County contracted with Green Built Alliance in fiscal year 2021 to implement the Blue Horizons Project but are required to renew annually based on budget availability.
- The Blue Horizons Project will continue to engage our community to provide cost effective services, programs, and products through investment in clean renewable ways to power Buncombe County and the City of Asheville to support the community-wide renewable energy goal and climate emergency resolution.
- As of July 2021, the Blue Horizons Project has facilitated 100 homeowners to get solar power for their homes.
- The Rocky Mountain Institute has created a map to display where the impact has occurred to date.

Vendor Outreach Efforts:

- The Business Inclusion Manager conducted outreach through social media and community and business partners.
- City and County staff also conducted an optional virtual Q&A meeting.
- No MWBE firms submitted bids.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The Green Built Alliance has been managing and implementing the Blue Horizons Project for the past three years which will establish continuity with the continued program management.
- Buncombe County is also contracting with the Green Built Alliance in the amount of $125,000 for the implementation of the Blue Horizons Project.

Con(s):
- None

Fiscal Impact:
- $100,000 will be contributed by the City from the FY22 Office of Sustainability budget.
- Funding is already budgeted and available.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract with the Green Built Alliance to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

RESOLUTION BOOK NO. 42 - PAGE 293

P. RESOLUTION NO. 21-153 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR COORDINATION OF WATERLINE INSTALLATION ALONG PATTON AVENUE

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Construction Reimbursement Agreement with the N.C. Department of Transportation (NCDOT) at the estimated amount of $150,446.23 for construction work associated with waterline installation within Patton Avenue.

Background:
- As part of a planned future water transmission main project along Patton Avenue, the Water Resources Department will need to install water mains crossing underneath the road surface of Patton Avenue.
- Due to the existing conditions of the project corridor, the method to install said water mains, which will be the most efficient, cost effective, and least disruptive to businesses is by traditional open trench.
- As a condition of installing the water mains crossing underneath Patton Avenue via the open trench method, the NCDOT is requiring that the water mains be installed prior to their scheduled resurfacing of the road in the Fall of 2021.
- The Water Resources Department is not capable of letting a separate utility construction contract in time to complete the work before NCDOT's scheduled resurfacing project, and so must utilize department staff to complete these water main installations.
- The NCDOT also has a planned stormwater drainage project scheduled prior to their planned resurfacing project and has offered to assist with the installation of the water mains as part of their project to expedite the water main installations.
- The NCDOT assistance will include time, equipment, and materials for trench excavation, trench and road restoration, traffic control and job site safety, while Water Resources will provide and install the water mains.
- The Water Resources Department will have to reimburse NCDOT for their assistance with the water main installation, which is defined by the NCDOT Construction Reimbursement Agreement.
- For the purpose of construction coordination and efficiencies, the City of Asheville Water Resources Department wishes to enter into this Construction Reimbursement Agreement

with NCDOT, which allows the water main work to be performed as part of the NCDOT's construction project.
- This work will be performed during night time hours, 7:00 PM to 7:00 AM and is anticipated to last 4 weeks.
- NCDOT has estimated that the cost of their portion of the work for this project will be $150,446.23.

Vendor Outreach Efforts:
- Not Applicable

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Execution of the agreement allows the installation of municipal water lines to be performed under the NCDOT construction project, which will provide construction efficiencies producing cost savings and allow construction schedules to be met.
- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

Con(s):
- Failure to execute the agreement hinders the City of Asheville Water Resources Department's ability to meet obligations to NCDOT for the installation of municipal water lines within the NCDOT right-of-way.
- Failure to execute the agreement prevents the installation of municipal water lines from being performed under the NCDOT construction project. This will create difficulties with construction coordination, create a lack of efficiencies, and add to the overall cost of the construction.

Fiscal Impact:
- The funding needed for this agreement is currently allocated within the NCDOT Projects in the Water Resources Capital Improvement Projects Fund.

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a Construction Reimbursement Agreement with the N.C. Department of Transportation (NCDOT) at the estimated amount of $150,446.23 for construction work associated with waterline installation within Patton Avenue.

RESOLUTION BOOK NO. 42 - PAGE 294

Q. RESOLUTION NO. 21-154 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE FISCAL YEAR 2021 FEDERAL TRANSIT ADMINISTRATION "AREAS OF PERSISTENT POVERTY GRANT PROGRAM" TO DEVELOP A CONCEPT DESIGN AND PROGRAM FOR THE FUTURE TRANSIT CENTER EXPANSION AND MIXED-USE DEVELOPMENT OF 50 ASHELAND AVENUE, AND TO ACCEPT SAID GRANT IF AWARDED

Action Requested: Authorize the City Manager to submit an application for the Fiscal Year (FY 2021 Federal Transit Administration "Areas of Persistent Poverty Grant Program" in the amount of $850,000 (including a 10% match), for the purpose of completing a community engagement and planning process for the future Transit Center expansion and mixed-use development of 50 Asheland Avenue (aka the Talbert Lot); and if awarded, to accept the funds and sign all of the necessary agreements.

Background:

- At the May 25, 2021, City Council meeting, the purchase of 50 Asheland Ave. was authorized for the purpose of:
    1. planning, designing, and constructing a new and/or expanded downtown transit center in conjunction with
    2. a larger mixed-use development to include affordable housing, and
    3. to advance racial equity in the development of the property, constructing the improvements, and defining the uses (such as potential partnerships with community land trust(s), community spaces, a "Purpose Built Community" type structure around intention, etc.).
- The Federal Transit Administration (FTA) released a Notice of Funding Opportunity for its FY21 "Areas of Persistent Poverty" grant program in mid-July.
- The application is due August 30.
- The competitive grant program provides funding for projects that help lift communities out of poverty by supporting transit service improvements in underserved communities.
- FTA's Areas of Persistent Poverty Program supports "planning, engineering and technical studies or financial planning to improve transit services in any areas experiencing long-term economic distress..."
- The existing Transit Center, and recently 50 Asheland Ave. (aka Talbert Lot), are located within a Census tract that is considered to be an "area of persistent poverty," which is defined as having a poverty rate of at least 20% between 2014-2018 per Census data.
- Projects are expected to address the following criteria:
    - System condition and service reliability
    - Enhanced access and mobility
    - Accelerating innovation
    - Emission reductions
    - Barriers to low income housing
    - Racial equity and barriers to opportunity
    - Environmental justice
- The grant, if awarded, would provide funding to conduct the necessary comprehensive and targeted community engagement to develop a vision, program of uses, and concept design for the future development of 50 Asheland Avenue in accordance with the direction set by Council when the property was purchased.
- Extensive community involvement and engagement will be included in the scope of the grant project, and will integrate community leaders, transit riders, and affordable housing advocates into the overall project team to assist in gathering public input.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and Accessibility
- Quality Affordable Housing
- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- The grant funding will allow for the City and community to take the next steps toward future development of 50 Asheland Avenue, including expansion of the transit center and providing quality affordable housing.
- The funding would also serve to further build relationships among transit riders, affordable housing advocates, and various community stakeholders/leaders and nearby property owners.

Con(s):

- None

Fiscal Impact:

- The total project request is $850,000; the match requirement is 10%, or $85,000.
- Potential sources include available affordable housing bond funds or other available affordable housing dollars, to be determined if the grant is awarded.

Motion:

- Motion to authorize the City Manager to submit an application for the FY21 Federal Transit Administration "Areas of Persistent Poverty Grant Program" in the amount of $850,000 (including a 10% match), for the purpose of completing a community engagement and planning process for the future Transit Center expansion and mixed-use development of 50 Asheland Avenue (aka the Talbert Lot); and if awarded, to accept the funds and sign all of the necessary agreements.
-

RESOLUTION BOOK NO. 42 - PAGE 295

R. **RESOLUTION NO. 21-155 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A SOLE-SOURCE PROCUREMENT OF FIRE STATION ALERTING SECURITY UPGRADES TO MAINTAIN THE EXISTING MACH ALERT SYSTEM USED IN ALL ASHEVILLE FIRE STATIONS**

Action Requested: Adoption of a resolution authorizing a sole source justification for the purchase of equipment and materials from MOTOROLA SOLUTIONS, INC. for Mach Alert Servers and authorizing the City Manager to enter into a service contract, with the same, for the operation and maintenance of the system and equipment.

Background:

- Asheville Fire Rescue operates a fire station alerting system for emergency dispatching which is provided by Mach-Alert.
- These systems are integrated with the City's Motorola radio system and deployed at all area fire stations.
- Mach Alert is the fire station alerting system that is used in every Asheville fire station to notify firefighters to respond to incidents.
- The system is integrated within the city's radio system and dispatch center to create a single comprehensive notification system.
- The Asheville Fire Department has been using the Mach-Alert fire station alerting system since 2016.
- Changing vendors for the fire station alerting system at Fire Station #4 would require replacement of the current systems located within each of the fire stations and include replacement of the network infrastructure at the dispatch center.
- A stand alone system would be incompatible with the rest of the alerting system and the comprehensive notification across the City would not be possible. Security updates,

upgrades, or expansions of these systems require specific equipment or systems to be procured with sole source methods.

Vendor Outreach Efforts:
- Sole source procurement allows for products to be purchased exclusively from one vendor to ensure the expansion of an existing system using proprietary components.
- In using sole source procurement, there is no further outreach conducted because the items are purchased from a specific vendor.

Council Goal(s):
- A financially resilient city

Committee(s):
- None

Pro(s):
- Provides systems that will continue standardization or compatibility with existing City systems.
- This will result in cost savings through reduced operations and maintenance.

Con(s):
- Sole source procurements may reduce competitive pricing.

Fiscal Impact:
- The total amount of the purchase for equipment and services is $88,858 which is included in the FY22 budget.
- The alternative would be to replace the system with a new system which would be significantly more expensive.

Motion:
- Motion to adopt a resolution authorizing the sole source justification for the purchase of equipment and materials from MOTOROLA SOLUTIONS, INC. for Mach Alert Servers and authorizing the City Manager to enter into a service contract, with the same, for operation and maintenance of the system and equipment.

RESOLUTION BOOK NO. 42 - PAGE 296

S. RESOLUTION NO. 21-156 - RESOLUTION DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER SYSTEM REVENUE BONDS AND CERTAIN RELATED MATTERS

Action Requested: Adoption of Initial Resolution for the proposed 2021 Water Revenue Refunding Bonds

Background:
- In May, 2018, Council authorized the issuance of a Water Revenue Bond Anticipation Note (Water BAN) draw program in an amount not to exceed $40 million.
- The loan was used to reimburse the City for expenses associated with the North Fork Dam project.
- The City has drawn down the full amount of the loan, $40 million.
- To pay off the Water BAN loan, the City intends to issue long-term, fixed-rate Water Revenue Refunding Bonds in an amount not to exceed $40.5 million in late-September 2021. The bond amount includes anticipated cost of issuance expenses.

Council Goal:
- Financially Resilient City

Committee(s):
- None

Pro(s):
- Converts a short-term variable-rate loan to long-term, fixed-rate refunding bonds.
- Spreads capital costs over a longer term to better match the life of the water asset, the North Fork Dam

Con(s):
- None

Fiscal Impact:
- Annual debt service payments will increase because long-term fixed rates are higher than short-term variable rate debt.
- This increase is included in the City's long-range financial model for issuing and paying-off debt.
- The final amounts of the new debt service payments will be determined on the bond sale date.

Motion:
- Motion to adopt the 2021 Water Revenue Refunding Bonds Initial Resolution

RESOLUTION BOOK NO. 42 - PAGE 297

T. RESOLUTION NO. 21-157 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY FOR THE HOMEOWNERS ASSISTANCE GRANT PROGRAM

Action Requested: Adoption of a resolution authorizing the execution of an interlocal agreement between the City of Asheville and the County of Buncombe to establish a Homeowner Grant Program.

Background:
- At its July 13, 2021 meeting, the Buncombe County Board of Commissioners approved a Homeowner Grant Program and an interlocal agreement between the City of Asheville and Buncombe County authorizing City of Asheville participation in the program.
- As outlined in the agreement, residents who own residential property that they have lived in their primary residence for at least five years and who earn less than 80% of Area Median Income (AMI) as a household will be eligible to participate in the program.
- Grantees who apply for the program and meet these criteria, and who reside in the City limits, will receive a maximum grant award of $300 from Buncombe County and $200 from the City of Asheville.
- The County will be responsible for administering the program and paying any grants awarded, and thereafter invoice the City quarterly for its share of any grants awarded.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Provides assistance with homeowner costs for City households whose income is below 80% of AMI.

Con(s):
- None.

Fiscal Impact:
- The fiscal impact of this new program will depend on the number of participants, and is thus unknown at this time.
- The Adopted FY 2021-22 General Fund budget includes $150,000 to fund the City's participation.
- If additional funding is needed, staff will request a budget amendment from unassigned fund balance later in the fiscal year.

Motion:
- Motion to adopt a resolution authorizing the execution of an interlocal agreement between the City of Asheville and the County of Buncombe to establish a Homeowner Grant Program.

RESOLUTION BOOK NO. 42 - PAGE 299

U. RESOLUTION NO. 21-158 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND APPROVE PAYMENT FOR THE PURCHASE OF A WATERLINE EASEMENT ACROSS THE PROPERTY AT1296 AND 1340 PATTON AVENUE

Action Requested: Approval from Council authorizing the City Manager to sign and approve payment for the purchase of the easement across the property of 1296 and 1340 Patton Avenue (parcels 8 & 9).

Background:
- The Water Resources Department has a planned project to install a 24-inch waterline along Patton Avenue from Haywood Road to Florida Avenue.
- As part of this project, temporary construction and permanent easements are being purchased for the installation of sections of the planned waterline that must be installed outside existing public rights of way.
- As part of the professional services design contract for the project, the Water Resources Department utilized O.R. Colan Associates to appraise the needed easement values and negotiate the price and conditions with the property owners.
- The negotiated price of the easement across the subject parcels is $230,075.
- Because the easement value is above the $100,000 threshold, we are requesting approval from Council to authorize the City Manager to sign and approve payment for this easement purchase of $230,075.
- This project is being coordinated and in partnership with the N.C. Dept. of Transportation.

Vendor Outreach Efforts:
- Not Applicable

Council Goal(s):

- A Financially Resilient City
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The approval for the purchase of this easement will provide the necessary easement to construct the upcoming water distribution project as designed without modification.

Con(s):

- Denial of the purchase of the easement would require modification of the planned waterline route and may delay or prevent construction of this critical project.

Fiscal Impact:

- Funds for the purchase of easements are already budgeted in the Small Waterline Replacement Projects within the Water Resources Capital Improvement Fund.

Motion:

- Move to adopt a resolution authorizing the City Manager to sign and approve payment for the purchase of an easement across the property of 1296 and 1340 Patton Avenue (parcels 8 & 9).

RESOLUTION BOOK NO. 42 - PAGE 305

V. RESOLUTION NO. 21-150 - RESOLUTION AMENDING THE 2021 CITY COUNCIL MEETING SCHEDULE TO ADD A WORKSESSION ON THE AMERICAN RESCUE PLAN ACT SUMMARY PLAN AT 2:30 P.M. ON AUGUST 24, 2021, AT HARRAH'S CHEROKEE CENTER - ASHEVILLE, LOCATED AT 87 HAYWOOD STREET, ASHEVILLE, N.C.

RESOLUTION BOOK NO. 42 - PAGE 306

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mosley moved for the adoption of the Consent Agenda, with (1) the amendment to Consent V - the worksession time to be 2:30; and (2) Consent K be deleted from the Consent Agenda for discussion and/or an individual vote . This motion was seconded by Councilwoman Turner and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

K. RESOLUTION NO. 21-149 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GLEESON BUILDERS LLC FOR THE BROADWAY PUBLIC SAFETY STATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Gleeson Builders, LLC, in the amount of $10,984,000, for the Broadway Public Safety Station project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 8% ($878,720).

Background:

- The Broadway Public Safety Station will be a 21,831 sq. ft., three story combined use facility comprised of a fire station (Fire Station 13), a police substation, an emergency operations center (EOC), and a community meeting room.
- The land for the project was purchased in 2014.
- The design for this project started in January 2019.
- The project is striving for the LEED Silver green building certification and will include a 60 kilowatt (kW) solar photovoltaic array.
- The building is considered an essential facility by the N.C. Building Code and is required to be built to the more robust Category IV structural standard which is used for hospitals, fire, police, and ambulance stations.
- There may be some additional cost in meeting this requirement.
- This will probably have a similar impact to the LEED certification.
- The additional cost of both of these items is in the bid cost
- The 1.7 acre parcel is a tight fit for this facility and requires the use of an underground stormwater detention system and a 23 foot tall retaining wall.
- Four bids were received and opened on May 20, 2021. The resulting bids, including owner-approved bid alternates, are listed below:

Contractor	Location	Amount
Gleeson Builders, LLC	Charlotte, NC Branch	$ 10,984,000
H&M Constructors	Asheville, NC	$ 11,735,500
Harper Corporation	Asheville, NC Branch	Non-Responsive Bid
KMD Construction, LLC	Salisbury, NC	Non-Responsive Bid

- Construction schedule: It is difficult to determine the exact schedule for this project at this time.
- Due to the uncertainty in delivery and procurement for steel products on this project, the contractor will be provided an initial notice to proceed after steel shop drawings are approved.
- Once dates are established for the delivery of steel, the contractor will be provided with a notice to proceed for the remaining construction, which will include a 425 calendar day construction duration.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Gleeson Builders, LLC has committed to expend a minimum of $175,650 with a hispanic-owned business, $1,600 with a woman-owned business, and $101,960 asian-owned businesses, making the total minimum MWBE participation $279,210.

Council Goal(s):

- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):

- Board of Adjustment 9/28/2020, Variance approved for setback standards
- Urban Forestry Commission 11/16/2020, Alternative Compliance approved for landscape buffer

Pro(s):

- The facility provides needed life saving service coverage and other city services.
- The facility furthers the City's sustainability goals by seeking the LEED Silver green building certification, and it includes a 60 kw solar array.

Con(s):

- The construction schedule may be mpacted by material and labor slowdowns due to the pandemic.
- Due to the complexity of the project, the facility will cost more per square foot than other municipal facilities.

Fiscal Impact:

- Funding for this contract will come from previously approved capital project funds.
- The total amount of the contract is $10,984,000 plus a contingency for possible change orders of $878,720.

Six individuals were opposed to this contract because a new station is not wanted or needed. The funds should be used for low barrier shelters and other services for the homeless.

Councilwoman Roney would not be able to support this action as she felt this doesn't yet address all of our public safety needs. She felt we need to diversify our public safety responses. We have response issues in this location that need to be addressed, but also have a priority need for our land use. The 911 facilities need to be updated. We need to partner with the County on that and start working on paramedicine. She didn't see that in this proposal.

Mayor Manheimer explained that this is a multi-purpose facility which is needed for life saving service coverage for the fire department and other city services.

Councilwoman Wisler moved to adopt a resolution authorizing the City Manager to enter into a contract with Gleeson Builders, LLC, in the amount of $ 10,984,000 for the Broadway Public Safety Station project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 8% ($878,720). This motion was seconded by Vice-Mayor Smith and carried on a 6-1 vote, with Councilwoman Roney voting "no."

RESOLUTION BOOK NO. 42 - PAGE 290

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF A PORTION OF RIGHT-OF-WAY AT 155 THOMPSON STREET

RESOLUTION NO. 21-160 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT 155 THOMPSON STREET

Assistant Transportation Director Jessica Morriss said that this is the consideration of a resolution to permanently close a portion of right-of-way at 155 Thompson Street. This public hearing was advertised on July 2, July 9, July 16 and July 23.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The City is the sponsor of the proposed right-of-way closure near 155 Thompson Street and is exchanging the closed right-of-way with the property owner, who is providing an easement to construct a section of the Swannanoa Greenway.

- This closure would not impede any future vehicular transportation connections nor does it conflict with any utility access.
- Signs were placed at two locations near the right-of-way announcing the public hearing.
- The City Council accepted the greenway easement from an adjacent property owner near this location at the June 8, 2021, meeting.
- The right-of-way in question was an extension of Thompson Street but is no longer used as a street.
- The City is the sponsor of the proposed right-of-way closure near 155 Thompson Street and is exchanging the closed right-of-way with the property owner, who has provided an easement to construct a section of the Swannanoa Greenway.
- The property owner has also provided an easement for a water line that is within the right-of-way being closed.
- The length of the proposed closure is approximately 350 ft and the width is 25 ft.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- None

Pro(s):
- The proposed right-of-way closure in exchange for a greenway easement is mutually beneficial for the City and the property owner.

Con(s):
- None

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:25 p.m. and when no one spoke, she closed the public hearing at 5:25 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Roney moved to permanently close a portion of unopened right-of-way located at 155 Thompson Street. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 – PAGE 307

B. 66 LONG SHOALS ROAD

Mayor Manheimer announced that the two public hearings for 66 Long Shoals Road will be combined.

PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO MILLSTONE MANAGEMENT FOR 66 LONG SHOALS ROAD PROJECT

RESOLUTION NO. 21-161 - RESOLUTION APPROVING A LAND USE INCENTIVE GRANT FOR MILLSTONE MANAGEMENT FOR 66 LONG SHOALS ROAD PROJECT

Community Development Programs Director Paul D'Angelo said that this is the consideration of a request for a land use incentive grant for Millstone Management for 66 Long Shoals Road Project This public hearing was advertised on July 16, 2021.

Review:

- Millstone Management has applied for a Land Use Incentive Grant (LUIG) for their development at 66 Long Shoals per the LUIG policy adopted by City Council and amended on June 22, 2021.
- The development consists of 86 rental apartments with 17 of the homes (20%) serving individuals and families earning at or below 80% Area Median Income (AMI) for a minimum of 20 years.
- The project consists of one 2.85 acre parcel (PIN# 964479788200000) located within the Asheville city limits at 66 Long Shoals Road near Biltmore Park.
- The developer estimates an approximate total development cost of $18M.
- Estimated Tax Value of the property is $14.517M post-completion.
- The project, as presented to staff, meets the following Eligibility Requirements:
    - The proposed development consists of two or more dwelling units for rent;
    - At least 20% of the units will meet the affordability standards set by the City of Asheville for households earning at or below 80% of the Area Median Income (AMI).
    - The affordable units will be affordable to and leased to income-eligible households for at least 20 years.
    - The proposed development is located inside the city limits.
    - The proposed development provides residents convenient access to jobs, schools, and services.
    - The proposed development is over the 70% residential threshold in use based on square footage not to include a parking structure if applicable.
- Per the LUIG Scoring Matrix and based upon the policy, the project will receive:
    - 30 total points for affordability,
    - 20 points for the location,
    - 20 points for energy efficiency including solar panels, and an additional
    - 10 points for building in a Non-Qualified Census Tract,
    - For a total score of 80 points.
- Per the policy, this will equal 16 years of grants in the amount of the City Property Taxes payable on the 66 Longs Shoals Development.

Proposal:

- Affordable Rental Housing
    - The proposed project will provide seventeen (17) affordable units (20% of the total units) to individuals and families earning at or below 80% AMI,
    - With 9 (50% of the affordable units) accepting rental assistance,
    - For an affordability period of twenty (20) years.
    - Under this category, the project qualifies for 30 points.
- Rental Assistance
    - The proposed project will accept 9 Housing Choice Vouchers / Rental Assistance in the community, and possibly consider more.
    - Under this category, the project qualifies for 10 points.
- Superior locational efficiency
    - The proposed project is located within .25 mile of a ½ hour transit stop served by an existing sidewalk,
    - Within 1 mile from a job or urban center, and
    - Within a .5 mile from a Transportation Amenity.
    - Under this category, the project qualifies for 20 points.

- Energy Efficiency
  - The developer has committed to using Energy Efficiency (EE) / Energy Star Certification and the use of Solar Panels.
  - Under this category, the project qualifies for 20 points.
- Building in a NON-Qualified Census Tract
  - The developer is building in a NON QCT, where at least 50% of the households have incomes *over* 60% of the Area Median Gross Income (AMGI) or a poverty rate under 25%.
  - Under this category, the project qualifies for 10 points.
- Staff has scored the project with 80 points, which qualifies the project for sixteen (16) years of Land Use Incentive Grant.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- Housing & Community Development Committee - July 20, 2021 - Approved Unanimously

Pro(s):
- The proposed project will provide 17 affordable rental housing units to households earning 80% or less of area median income;
- The proposed project will have an affordability period of twenty (20) years;
- The proposed project addresses the pressing need for affordable one-bedroom apartments with 8 Studio units and 9 One (1) bedrooms for a total of 17 affordable units;
- The proposed project should have a significant economic impact. Construction wages and material purchases will positively affect the local and regional economy;
- The 17 affordable units are located near Biltmore Park (walkability score of 43 - car dependent; bike score of 35 - somewhat bikeable, minimal bike infrastructure) and provide employment & shopping options for individuals and families who fall within the 80% AMI incomes.
- Millstone Management will communicate with the Asheville Housing Authority and others that they are accepting Housing Choice Vouchers and Rental Assistance as the development prepares to come online.

Con(s):
- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.

Fiscal Impact:
- The parcel has a current tax value of $1,638,900 and pays city property taxes of approximately $6,605 annually.
- Under the estimated tax value of $14,517,000 post-completion, the annual city property tax will be approximately $58,504.
- The difference is $51,899 which would be granted to the property owner annually after payment for 16 years.
- For 16 years and 17 affordable units at or below 80% AMI, the city will grant back a total of $830,384 over the 16 years of the LUIG which equals $48,846 per unit of subsidy which is lower than the estimate of up to $80,000 in subsidy for 80% AMI homes as noted in Council Work Sessions and a subsidy cap noted in the LUIG Policy.
- After year 16, the City will receive the approximate $58,504 annually in city tax revenue (depending on future property tax increases, etc.).
- Please note the City will still receive property taxes of approximately $6,605 in years 1 - 16.

- The City sets aside a budget annually for Land Use Incentive Grants.

PUBLIC HEARING TO CONSIDER CONDITIONALLY ZONING 66 LONG SHOALS DRIVE FROM INSTITUTIONAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE PURPOSE OF TWO 3-4 STORY MULTI-FAMILY RESIDENTIAL BUILDINGS CONTAINING 87 RESIDENTIAL UNITS

/4888

ORDINANCE NO. 4388 - ORDINANCE TO CONDITIONALLY ZONE 66 LONG SHOALS DRIVE FROM INSTITUTIONAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE PURPOSE OF TWO 3-4 STORY MULTI-FAMILY RESIDENTIAL BUILDINGS CONTAINING 87 RESIDENTIAL UNITS

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezone 66 Long Shoals Drive from Institutional District to Residential Expansion/Conditional Zone for the purpose of two 3-4 story multi-family residential buildings containing 87 residential units. This public hearing was advertised on July 16 and 23, 2021.

Project Location and Contacts:

- The project site consists of a moderately sized 2.85 acre parcel located at 66 Long Shoals Rd. (PIN 9644-79-7882).
- Owner: Virginia Sawallis Schmidt Trust.

Summary of Petition:

- Included in this petition is a request to construct 87 multi-family residential dwelling units in two separate, multi-story buildings, along with sidewalk, surface parking and other related site improvements.
- The applicant is seeking a conditional rezoning due to the number of units proposed (over 50) classifying this as a Level III Conditional Zoning application.
- New building construction includes two multi-family apartment buildings with Building A proposed as a 3/4 split (3 stories on one side and four stories on another) that is not to exceed 45 feet in overall height.
- Building B is proposed as a 4/5 split (4 stories on one side and five stories on another) and is not to exceed 57 feet in overall height.
- Maximum density in the RES EXP district is 20 units/acre.
- A density bonus of 50 units/acre is permitted with a commitment for 20% of the units to be affordable at 80% area median income (AMI) for a minimum period of 20 years.
- 17 affordable units (20%) are proposed to be included in this project, which satisfies this requirement.
- 125 parking spaces are provided between the two buildings with 27 of those being covered garage spaces and 17 being tandem parking spaces.
- Landscaping, open space and tree canopy preservation requirements will be satisfied.
- A pedestrian connection between the community and the adjacent high school is proposed.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals including encouraging responsible growth by providing infill development in targeted growth areas (p. 131) and by increasing the supply of housing, including affordable housing (pp. 179 & 183) in proximity to schools, transit and parks (pp. 246 & 251).

Compatibility Analysis:

- The high density residential project is compatible with the small commercial services/offices located on both the east and west sides of the subject property, and the 36 acre campus of TC Roberson High school to the north.
- Across Long Shoals Rd. to the south is Lake Julian Park, which provides recreational opportunities to the project.

Council Goal(s):

- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

Committee(s):

- Technical Review Committee (TRC) - May 3, 2021 - approved with conditions.
- Planning & Zoning Commission (PZC) - June 2, 2021 (hearing) & July 27, 2021 (vote) - approved 6:0.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above.

Mayor Manheimer opened the public hearings on both 66 Long Shoals Road issues at 5:37 p.m. and when no one spoke, she closed the public hearings at 5:37 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and ordinance and they would not be read.

Councilwoman Turner moved to approve the Land Use Incentive Grant application for Millstone Management / 66 Long Shoals. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 – PAGE 309

Councilwoman Turner move to approve the conditional zoning request for the property located at 66 Long Shoals Rd. from Institutional (INST) to Residential Expansion-Conditional Zone (COM EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that the request: 1) supports infill development in a strategically located area targeted for growth; 2) provides housing units in proximity to transit, schools and parks, and; 3) supports city goals for affordable housing. This motion was seconded by Councilwoman Wisler and carried unanimously.

ORDINANCE BOOK NO. 33 – PAGE 337

C. 101 CHARLOTTE STREET

PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO RCG LLC FOR 101 CHARLOTTE STREET PROJECT

At the request of the developer, Councilwoman Kilgore moved to continue this public hearing until August 24, 2021. This motion was seconded by Councilwoman Wisler and carried unanimously.

PUBLIC HEARING TO CONDITIONALLY REZONE 99999 CHARLOTTE

STREET, 121CHARLOTTE STREET, 123 CHARLOTTE STREET, 125 CHARLOTTE STREET, 129 CHARLOTTE STREET, 135 CHARLOTTE STREET, 276 EAST CHESTNUT STREET and 99999 EAST CHESTNUT STREET FROM COMMUNITY BUSINESS I DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 3 BAIRD STREET, 15 BAIRD STREET, 19 BAIRD STREET, 23 BAIRD STREET, 25 BAIRD STREET, 132 FURMAN AVENUE and 134 FURMAN AVENUE FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 102 FURMAN AVENUE AND 99999 EAST CHESTNUT STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE, ALONG WITH AN AMENDMENT TO THE FUTURE LAND USE MAP DESIGNATION OF 99999 EAST CHESTNUT STREET FROM TRADITIONAL NEIGHBORHOOD TO TRADITIONAL CORRIDOR

At the request of the developer, Councilwoman Turner moved to continue this public hearing until August 24, 2021. This motion was seconded by Councilwoman Kilgore and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO DONATE TWO CITY-OWNED LOTS (LUFTY AVENUE AND W. CHESTNUT STREET LOTS) TO THE ASHEVILLE-BUNCOMBE COMMUNITY LAND TRUST FOR $1 EACH, SUBJECT TO AFFORDABLE HOUSING DEED RESTRICTIONS

Interim Community & Economic Development Director Nikki Reid said that this is the consideration of a resolution authorizing the City Manager to donate two City-owned lots located on Lufty Avenue and W. Chestnut Street to the Asheville Buncombe Community Land Trust (ABCLT) for $1 each, subject to affordable housing deed restrictions.

Background:

- The City of Asheville issued a request for proposals to developers on September 9, 2020 for three City-owned properties located on Lufty Avenue, West Chestnut Street, and Kentucky Drive to be used to build affordable housing.
- Ultimately, the Kentucky Drive property was removed from consideration, due to challenges with existing deed restrictions.
- Staff reviewed proposals in December and January and selected the ABCLT as finalist for the Lufty and Chestnut lots.
- Compact Cottages submitted the only other proposal.
- The ABCLT has proposed the following for each of the two lots:
    - Builder: The Juna Group, Inc. (MWBE business)
    - Tentative Size: 1;400 square feet
    - Sale Price: $135,000
    - Maximum Income: 60% AMI
    - Construction Timeline: 12 months from closing date
    - Vision: equitable and diverse communities
- The terms of the proposed real estate transaction are:
    - Donation from the City of Asheville for $1 for each of the lots
        - Appraised value of W. Chestnut St Lot is $100,000
        - Appraised value of Lufty Lot is $85,000

- Affordable housing deed restrictions to carry with the land
- Lots are not associated with Urban Renewal and therefore are not subject to the moratorium

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- Housing & Community Development Committee, June 15, 2021 recommended approval.

Pro(s):
- Permanent Affordable Housing within the Community Land trust Model
- Ideal locations for in-fill residential development

Con(s):
- None

Fiscal Impact:
- Land donation, otherwise no monetary exchange to take place

Ms. Reid responded to various questions/comments from Council, some being, but are not limited to, how much will the homes be sold for; what does the permanent affordable housing model look like; who is responsible for managing the sale of the homes; what are the lot sizes; is there an equity component into the process of who purchases the homes; and a request for Asheville-Buncombe Community Land Trust to provide information on their selection and application process.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Roney moved to authorize the City Manager to donate two City-owned lots (Lufty Avenue and W. Chestnut Street lots) to the ABCLT for $1 each, subject to affordable housing deed restrictions. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 – PAGE 310

B. RESOLUTION NO. 21-163 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A GRANT AGREEMENT FOR $2 MILLION WITH HOMEWARD BOUND IN SUPPORT OF THE ACQUISITION OF THE DAYS INN LOCATED AT 201 TUNNEL ROAD FOR PERMANENT SUPPORTIVE HOUSING

ORDINANCE NO. 4389 (14889) - BUDGET AMENDMENT FOR GRANT AGREEMENT WITH HOMEWARD BOUND

Community Development Programs Director Paul D'Angelo said that this is the consideration of a resolution authorizing the City Manager to negotiate and enter into a grant agreement for $2 Million with Homeward Bound in support of the acquisition of the Days Inn located at 201 Tunnel Road for permanent supportive housing; and associated budget amendment.

Background:

- Homeward Bound is proposing a permanent supportive housing (PSH) apartment project for our homeless population.
- The agency intends to acquire the Days Inn located at 201 Tunnel Road.
- The motel sits on a 2.95 acre site and contains 128 guest rooms in two, 2 story buildings.
- This project will be an adaptive reuse of the existing motel and will create 85 affordable housing rental units for people experiencing chronic homelessness.
- Homeward Bound will convert 85 of the 128 rooms into permanent supportive housing units by adding a small kitchenette to each of the 85 units.
- The remaining rooms will be converted into office space for case managers, program managers, clinical staff, a permanent supportive housing director, and other agency staff.
- Space will also be provided for community partners to deliver on-site supportive services to residents.
- A Phase 1 Environmental Review / Environmental Assessment has been conducted with no findings.
- Housing units are targeted to special needs and underserved populations.
- This is a critical strategy in ending chronic homelessness and a key component of the Continuum of Care, providing an exit from homelessness for people with the most complex needs.
- The project will create affordable housing in perpetuity with a deed of trust and/or deed restriction reflecting this agreement.
- The total project cost is estimated at approximately $13.5 million with $6.5 million associated with property acquisition.
- The requested funding, as outlined below, will be used entirely for property acquisition.
- Homeward Bound anticipates closing on the property on or around August 14, 2021.
- Homeward Bound is seeking funding from the following sources for acquisition:

Funding Source - Acquisition	**Amount**
City of Asheville	$2,000,000
Dogwood Health Trust	$2,000,000
Buncombe County	$2,000,000
Private Donor	$500,000
TOTAL	$6,500,000

Homeward Bound anticipates needing $6,900,000 to upfit the property for Permanent Supportive Housing & $1,166,062 in annual operation costs, with annual revenues anticipated at $1,321,900.

- Homeward Bound has requested that the City's funds be structured as a grant to Homeward Bound in the amount of $2 million for acquisition costs to provide 85 permanent supportive housing units.
- The City agrees that the lives of the chronically homeless in our community will greatly benefit by expediting this project.
- The City understands that this commitment and funding is important for Homeward Bound as it seeks other governmental/HUD sources of support for acquisition and renovation.
- The grant of City funds will be conditional upon closing of the property.

Council Goal(s):

- An Equitable and Diverse Community
- A Well-Planned and Livable Community
- Quality Affordable Housing

Committee(s):

- Housing & Community Development Committee - May 18, 2021 - Approval
- City Council - June 22 2021 - Approval of Support for the project

Pro(s):

- This funding would help create 85 permanent supportive housing units.
- The proposed project is targeted to end homelessness for at least 85 people experiencing chronic homelessness, which aligns with the City of Asheville's Consolidated Plan goals.
- This investment per unit will be $23,529 which is below our per unit investment for permanently affordable housing.
- Permanent Supporting Housing Projects, such as this one, can save a jurisdiction or municipality anywhere from $17k to $37k per person per year.

Con(s):

- None

Fiscal Impact:

- $2M in American Rescue Plan Act (ARPA) funding as discussed on July 27, 2021, during the Council Worksession on ARPA funding.

When Councilwoman Wisler asked what happens if the other three funding sources fall through, Mr. D'Angelo said that he believed Homeward Bound is confident they will move forward with those funding sources.

In response to Councilwoman Wisler, Mr. D'Angelo explained this proposal vs. a low barrier shelter.

Councilwoman Roney expressed gratitude seeing hotel use transformed to permanently-supportive housing on a transit-denser corridor close to groceries and jobs, and that she was hopeful and grateful for the partnership.

Two individuals spoke to Council, one asking to defund the police and one questioning this homeless model.

Ms. Meredith Switzer of Homeward Bound explained the permanent supportive housing model.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and ordinance and they would not be read.

Councilwoman Turner moved to approve a $2M Grant to Homeward Bound to support its purchase of the Days Inn located at 201 Tunnel Road from American Rescue Plan Act (ARPA) funds; and the associated budget amendment. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 311
ORDINANCE BOOK NO. 33 - PAGE 346

14890

C. ORDINANCE NO. 4390 - ORDINANCE AMENDING PROVISIONS OF CHAPTER 10, ARTICLE IV OF THE CODE OF ORDINANCES CONCERNING NOISE REGULATION

Development Services Director Ben Woody said that this is the consideration of an ordinance to amend provisions of Chapter 10, Article IV of the Code of Ordinances, concerning noise regulation, with a delayed effective date.

Background:

- Following a year-long engagement and data collection process, the city postponed the noise ordinance revisions due to the COVID-19 pandemic.
- In November of 2020, staff resumed the project and released a draft noise ordinance and received public comment on the draft ordinance.
- Following public comment, staff met with key stakeholders and subsequently developed recommended changes to the draft ordinance.
- Sound measurement data collected by staff between August 2019 to July 2021 illustrate decibel levels for common activities in Central Business District (CBD), commercial and industrial districts.
- Data indicate that all *common* activity, including outdoor patio and indoor activity, would *not* exceed the original staff recommended daytime decibel limits.
- Measurements indicate that some outdoor special events may exceed decibel limits and require a *sound exceedance* permit, depending on which decibel levels are chosen.
- Decibel limits would not apply to activity in public spaces or right-of-ways.
- Staff recommended decibel levels are:
    - CBD 72/67/62;
    - Commercial 65/57;
    - Industrial 70/65.
- These recommended decibel levels ensure that some outdoor special events and other loud sources of sound are subject to the sound exceedance permit standards.
- Staff recommend a *minimum* 30-day delayed ordinance effective date to provide adequate time for the establishment of a noise advisory board, the hiring of two staff positions, collection of additional data and establishment of a sound exceedance permitting program.
- Development Services will continue to work with the Asheville Police Department to develop enforcement strategies to address noise concerns under the current and future ordinances.

Council Goal(s):

- A well-planned and liveable community.

Committee(s):

- The Public Safety Committee on June 1, 2021 voted to move forward to the City Council with staff recommendations and revised decibel levels.

Pro(s):

- The ordinance proposes objective commercial and industrial noise standards that establish clear sound level limits and measurement procedures, thereby allowing sound producers to operate within the legal limits and providing for more effective enforcement by the city.
- The ordinance and associated program propose using a residential noise-disturbance standard and community-based approaches to equitably manage chronic noise issues typically found in multi-family developments and within residential settings.

- The *Reimagining Public Safety* initiative identified noise ordinance enforcement as a quality of life issue that can be collaboratively handled outside of traditional policing and in a way that promotes racial equity.

Con(s):

- Elements of the proposed noise ordinance will require field-based evaluation, and possible modification, to ensure expected outcomes are achieved.

Fiscal Impact:

- As part of the *Reimagining Public Safety* initiative, funds have already been allocated for noise ordinance administration and enforcement.
- Additional resources may be necessary in the future.

Using a PowerPoint, Mr. Ben Woody, Director of Development Services (DSD), said that the staff recommendations are (1) construction - limit hours of operation in all districts; require "After Hours" permit; (2) refuse collection - limit hours of operation in and near residential districts; (3) vehicle exhaust/revving - prohibit in all districts; enforced by Asheville Police Department; (4) commercal/industrial equipment - regulate using decibel standard; 4 dBA penalty for pure tone, continuous sound, cyclically varying sound or repetitive impulsive sound; (5) music overamplification - regulate commercial district/commercial business district events using decibel standard measured at the receiver; regulate public space/right-of-way events using noise disturbance standards; (6) fireworks - limit legal fireworks to public holidays; illegal fireworks remain illegal; limit Tourist baseball fireworks to 12 shows/year on Friday and Saturday until 11:30 p.m; (7) residential neighbors - regulate using noise disturbance standard to enable equitable enforcement; and (8) dogs and animals - consolidate into City Code Chapter 3; administered by DSD Animal Services. He explained Section 10.83 (General Regulation) - Sound originating in public space, rights-of-way and residential districts - noise disturbance standard for equity. Sound originating in CBD, commercial and industrial districts - objective decibel standard for clarity. He explained the following objective decibel standard:

Originating District	Daytime 7:00 am - 11:00 pm *12:00 am Fri-Sat	Nighttime 11:00 pm - 7:00 am *12:00 am Fri-Sat	Late Night 2:00 am - 7:00 am (CBD only)
Central Business District (CBD)*	**75** ~~72~~ dBA	**70** ~~67~~ dBA	**65** ~~62~~ dBA
Commercial*	**75** ~~65~~ dBA	**65** ~~57~~ dBA	
Industrial	**75** ~~70~~ dBA	**65** dBA	

The decibel levels on the left are the Public Safety Committee recommendations. The crossed through decibel levels are staff recommendations. This chart is updated to reflect the Public Safety Committee recommendation from June 3, 2021. It subtracts 4 dBA for pure tone,

continuous, cyclically varying or repetitive impulsive sounds. It substracts 8 dBA when measured in a residential district (if adopting Public Safety Committee decibel levels). And, sound is measured at receiving property using LAeq1 (average of 1 minute). Regarding the sound exceedance permit, Type 1 is 1-2 events - standard permit application; Type 2 is 3-8 events - standard permit application plus sound impact plan; and Type 3 is 9-30 events - standard permit application plus professional sound impact plan plus permitted as "Performance Center." (Staff recommends revising Performance Center criteria in the Unified Development Ordinance. A standard permit application would require site plan, event schedule, on-site contact information, and one-week advance notice to addresses within 500'. Staff recommends (1) if the Public Safety Committee recommended decibel levels are adopted that staff recommends including an 8 decibel reduction for sound measured in a residential district; (2) if the original staff recommended decibel levels are adopted, staff recommends NOT including an 8 decibel level reduction for sound measured in a residential district. Staff also recommends a minimum 30 day delayed ordinance effective date.

Through considerable discussion, mostly around decibel levels, Mr. Woody responded to various questions/comments from Council.

Councilwoman Roney named 521 unique emails among public input she has taken into account for her decision in this matter, including 188 from music industry professionals and 46 with neighborhood complaints, and listed current economic impact and jobs data for the arts industry as supplied by the Asheville Area Arts Council. She took responsibility for the motion she made at Public Safety as intentional, including commercial corridors, which was a compromise based on data, expertise, and the science of sound. While she appreciated our effort to prioritize a staff response through Development Services and beyond policing, which is currently the only response to noise complaints, she had concerns about staffing capacity if we have too strict an ordinance - that we might not be able to meet our own expectations or those of our neighbors with excessive noise in our neighborhoods. She stated that recommendations from the Public Safety Committee air on the side of caution--the City of Asheville has seen racial discrimination in our policies impacting Black, Brown, and poor people. She gave an example of orchestral versus bass-driven music, then shared concern for Asheville's cultural identity, placemaking, and economic mobility. She noted that Council will need to come back for review at a later date to assess the outcomes of this complaint-driven policy.

Taking into concerns of the East End/Valley Street Neighborhood Association and Oakhurst, Councilwoman Mosley asked that the ordinance be amended to reflect Tourist baseball fireworks to be on non-consecutive days.

Councilwoman Mosley moved to repeal Chapter 10, Article IV of the Code of Ordinances of the City of Asheville and replace the same with the new proposed noise ordinance specifically including the staff recommended decibel limits and nighttime hours, as well as the following modifications: (1) fireworks limited to non-consecutive days; (2) not having an 8 decibel level reduction for sound measured in a residential district, with the ordinance having an effective date of September 15, 2021. This motion was seconded by Vice-Mayor Smith.

Councilwoman Roney moved to amend the original motion to repeal Chapter 10, Article IV of the Code of Ordinances of the City of Asheville and replace the same with the ordinance language as recommended by the Public Safety Committee, with the modification of subtracting 8 decibels when measured in a residential district. This motion was seconded by Councilwoman Turner.

Several individuals, some representing organizations, spoke in support of the staff recommendations (or lower decibel levels as recommended by the Coalition of Asheville

Neighborhoods), for several reasons, some comments being, but are not limited to: excessive noise must be mitigated at the source; we must aggressively manage repeat offenders; eliminate negative health impact; reduce total complaints through source mitigation; balance resident well-being with urban vibrancy; mitigate risk of noise-related sleep disturbances; institute a trial period; City Council must protect our safety, our quality of life; and our health; noise is an ongoing public health threat including hearing loss, stress, sleep reduction, expcsure to diseases and negative impact on childrens' cognitive development; people cannot open their windows or set outside due to excessive noise; consider the impact on the affordable housing initiative (Asheland Avenue) that will have high impact due to proximity of open-air performance center; either delay the vote to experience first-hand the open air/amplified music or agree to revisit in November after you have experienced Brothers Osbourne and Nathaniel Rateliff concerts from his residence or patio to get the full impact; and buskers should not be allowed to have amplifiers as if they are playing in a large venue.

Several industrial, some representing organizations, spoke in support of the Public Safety Committee recommendation for several reasons, some comments being, but are not limited to: From John Hopkins medicine, whose mission is to improve the health of the community and the world by setting the standard of excellence in medical education stated, "... if you want to exercise your brain, listen to music" and "60 db represents normal conversation"; statistics from the Economic Development Coalition in 2016 showed business contributes to our economy by 8,000 jobs in the music industry or supported by it; $33 million in generated tax revenue; 4 times over expectations of high growth; $96 million in labor income; and $384 of the regional economy; downtown was dead after 5:00 p.m. years ago, but now downtown music brings people back; if decibels go lower, performers will not come to Asheville; several magazines have praised Asheville as the place to go for music in North Carolina; people want to invest in the music industry in Asheville; local acts have an enormous impact as they open for the national acts; if downtown residents don't like the music, they should move because downtown is vibrant; and music is therapeutic.

Councilwoman Turner said that regardless of which motion is adopted, it will not appease everyone. She hoped that this will address the continuous noise with the Mission Hospital HVAC system. The majority of complaints received are addressed in this proposed ordinance, i.e., prohibiting exhaust, limiting fireworks, limiting hours of construction and refuse collection, over amplification. She noted that one of the lowest complaint-driven categories is live music. She felt that we do need management because older residents have watched downtown grow and it is getting louder. She noted that we have not tested some options that some downtown venues have offered i.e., higher rated sound windows, etc. We also have been trying to update the Downtown guidelines. She supported the Public Safety Committee recommendations, with a reduction of 8 decibels when measured in a residential district, and revisiting the ordinance in six months.

Councilwoman Kilgore noted that staff's decibel levels are not that different from the Public Safety Committee's recommendations in some categories. She was leaning towards a more balanced approach, noting that sound exceedance permits are allowed for those venues that want to exceed the approved decibel levels. She agreed with Councilwoman Roney that we should do a heat map to see where the noise is and to better address it.

Councilwoman Roney noted that we have not heard from performance artists or other groups, so we need to be cautious on how we roll this out. She sought clarity regarding how the noise ordinance would impact protests and rallies.

Mayor Manheimer thanked everyone for their participation in this process. She felt we may need to revisit this ordinance in 6 months. There are other noise complaints that will not be able to be addressed here, but we will continue to work on those.

The amendment to the original motion made by Councilwoman Roney moved to repeal Chapter 10, Article IV of the Code of Ordinances of the City of Asheville and replace the same with the ordinance language as recommended by the Public Safety Committee, with the modification of subtracting 8 decibels when measured in a residential district, and seconded by Councilwoman Turner failed on a 2-5 vote, with Councilwoman Roney and Councilwoman Turner voting "yes" and Mayor Manheimer, Vice-Mayor Smith, Councilwoman Kilgore, Councilwoman Mosley and Councilwoman Wisler voting "no."

The motion made by Councilwoman Mosley moved to repeal Chapter 10, Article IV of the Code of Ordinances of the City of Asheville and replace the same with the new proposed noise ordinance specifically including the staff recommended decibel limits and nighttime hours, as well as the following modifications: (1) fireworks limited to non-consecutive days; (2) not having an 8 decibel level reduction for sound measured in a residential district, with the ordinance having an effective date of September 15, 2021, and seconded by Vice-Mayor Smith carried on a 5-2 vote, with Mayor Manheimer, Vice-Mayor Smith, Councilwoman Kilgore, Councilwoman Mosley and Councilwoman Wisler voting "yes" and Councilwoman Roney and Councilwoman Turner voting "no."

ORDINANCE BOOK NO. 33 – PAGE 347

D. BOARDS & COMMISSIONS

Regarding the African American Heritage Commission, the following individuals applied for the vacancy: Thomas Ryan and Dewayne McAfee. At the request of the Commision, it was the consensus of the Boards & Commissions Committee and City Council to re-advertise for that seat.

Regarding the Board of Electrical Examiners, no individual applied for the position of journeyman electrician. Therefore, it was the consensus of the Boards & Commissions Committee and City Council to re-advertise for that seat.

Regarding the Buncombe County Tourism Development Authority, the following individuals applied for the specific open seats: Matthew Lehman, Pratik Bhakta and Michael Lusick. It was the consensus of the Boards & Commissions Committee and City Council to readvertise for the seats.

Regarding the Historic Resources Commission, the following individual applied for the vacancies: Amanda Vollrath. At the recommendation of the Commission, it was the consensus of the Boards & Commissions Committee and City Council to re-advertise for that seat.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancies: Marty Shults, Joseph Chesler, Bill Loftis, Christine Harris, Micah McLain, Karla Furnari and Leanna Joyner. It was the consensus of the Committee to re-advertise for the three seats.

Regarding the Planning & Zoning Commission, the following individuals applied for the vacancies: Sherrye Coggiola, Roosevelt Harvin, Ricardo Seijo, Sara Wilcox, Lee Arevian, Kenneth Bussey Jr. and Geoffrey Barton. It was the consensus of the Boards & Commissions Committee and City Council to interview Sherrye Coggiola, Roosevelt Harvin, Ricardo Seijo, Sara Wilcox, Kenneth Bussey Jr. and Geoffrey Barton.

RESOLUTION NO. 20-165 - RESOLUTION APPOINTING MEMBERS TO THE CITIZEN-POLICE ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Citizens-Police Advisory Committee.

The terms of Michael Hayes (west representative) and Karl Katterjohn (east representative) expired on June 30, 2021.

The following individuals applied for the specific vacancies on the west and east: Mary Ammerman (west), Tim Kelley (west) and Mary Clarissa Marshall (east).

It was the consensus of the Boards & Commissions Committee to reappoint Karl Katterjohn for the east representative and reappoint Michael Haynes for the west representative.

Vice-Mayor Smith moved to (1) reappoint Karl Katterjohn (east representative) to serve an additional three-year term, term to expire June 30, 2024, or until Karl Katterjohn's successor has been appointed; and (2) reappoint Micheal Hayes (west representative) to serve an additional three-year term, term to expire June 30, 2024, or until Michael Hayes' successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 314

RESOLUTION NO. 21-164 - RESOLUTION APPOINTING A MEMBER TO THE MOUNTAIN COMMUNITY CAPITAL OPERATING FUND

Vice-Mayor Smith , Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Mountain Community Capital Operating Fund.

Lynn Smith has resigned as a member of the Mountain Community Capital Operating Fund, thus leaving an unexpired term until April 1, 2023.

The following individuals applied for the vacancy: Gilbert Amengual, Carl Alguire, Dane Barrager and Catriona Savage.

At the request of the Board Chair, it was the consensus of the Boards & Commissions Committee to appoint Carl Alguire.

Vice-Mayor Smith moved to appoint Carl Alguire, as a member of the Mountain Community Capital Operating Fund to serve the unexpired term of Lynn Smith, term to expire April 1, 2023, or until Carl Alguire's successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 313

RESOLUTION NO. 21-166 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Smith , Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Neighborhood Advisory Committee.

The term of Spencer Hardaway (representing 28803 or 28704 zip code) expired on July 1, 2021.

The following individuals applied for the vacancies: Bonnie Snyder Hamrick, Sandra K. Smith, Tracy Fagan Brown and S. Elizabeth Likis-Werle.

At the request of the Committee, it was the consensus of the Boards & Commissions Committee to appoint Bobbette Mays (currently serving at-large) to the 28803 or 28704 seat appoint S. Elizabeth Likis-Werle to the at-large seat (currently left open by Ms. Mayes.

Vice-Mayor Smith moved to (1) appoint Bobbette Mays (currently serving at-large seat) to the seat representing 28803 or 28704 zip code, term to expire July 1, 2024, or until Bobbette Mays' successor has been appointed; and (2) appoint S. Elizabeth Likis-Werle to the at-large seat, currently left vacant by Ms. Mayes, to serve the unexpired term of Ms. Mays, term to expire July 1, 2022, or until S. Elizabeth Likis-Werle's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 315

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Five individuals spoke to Council on various items, some being, but are not limited to: need to support the Asheville Police Department; defund the Asheville Police Department; City's theme of gentrification; and need for remote public participation options.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:42 p.m.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – August 24, 2021 - 2:30 p.m.

Worksession - American Rescue Plan Funding Summary Plan

This workession was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

City Manager Campbell said that during the Council meeting, the public will have an opportunity for the public to comment on the categories of funding for the American Rescue Plan Act (ARPA).

Internal Auditor Patricia Rosenberg reviewed the different community awards; noting there are over 100 different awards. She explained the direct allocations to the City, the approved/tentative fiscal recovery funds, with a total of $9,698,388 ARPA funds remaining.

She said the ARPA fiscal recovery fund goals are to support state, local and tribal governments in (1) responding to economic and public health impacts of COVID-19; (2) containing impacts on communities, residents and businesses; and (3) laying foundation for a strong and equitable recovery.

She said allowable uses include public health uses; negative economic impacts; additional pay for essential workers; revenue losses; investments in infrastructure; and crime response and prevention. She then reviewed the categories evaluation process.

Ms. Rosenberg said the following categories are the staff recommended categories to receive funding: (1) Affordable housing - increase access to affordable housing for low and moderate income individuals and families; (2) Homeless services - improve access to stable, affordable housing for unhoused individuals; (3) Small business recovery (a) help support businesses recover from pandemic-related losses and/or build resilience for the future; and (b) includes public infrastructure for adaptability; (4) Workforce development - help create programs that train unemployed or underemployed workers for long-term employment; (5) Food systems - promote and support a more equitable food system from farm to disposal; (6) City infrastructure - improve City buildings' safety and create resilient work environments; (7) Domestic violence prevention and assistance - projects to mitigate increases in domestic violence during the pandemic or to prevent domestic violence through supportive housing; and (8) Community communication - increase community access to decision making.

She then outlined other potential available funding for transit; childcare; utility billing; arts and cultural expression; public health, mental health and substance abuse; environmental protection/sustainability; stormwater infrastructure; transportation connectivity infrastructure; water infrastructure; youth programming; community-led capacity building; additional pay for employees; care for aging residents; emergency planning; and employee retention and recruitment.

She then explained the RFP process (1) Non-profit organizations and government entities are eligible; (2) Open for six weeks; (3) Will hold an information session for interested applicants; and (4) Done in conjunction with community outreach - Combined outreach with other City grant initiatives.

She then outlined the next key days (1) September 14, 2021 - Council to approve category allocation; (2) October 2021 - Open Request for Proposals (RFP) process to community;

(3) November 15, 2021 - due date for proposals; (4) November - December, 2021 - RFP evaluation and staff recommendation of project awards; and (5) December 14, 2021 - Council approval of final project awards.

City Manager Campbell and Ms. Rosenberg responded to various questions/comments from Council, some being, but are not limited to: does the Parking Fund have any reserves; what would be the impact to our General Fund if we used those funds to cover the Parking Fund revenue losses and use the $1.6 Million to address additional needs in the community, especially the climate justice initiatives; we need to use our General Fund balance to try to help our citizens meet their needs; confirmation that we will be asking for partners to help cover some of the costs for the hotel purchase and operating costs, and also for the emergency non-congregate homeless shelter; the pending Federal Infrastructure Bill may be funneled through the State and if so, then most will probably go towards state mandated roads and not help with top priorities; need for some assistance to lower income homeowners for repairs; other sources of funding available to help homeowners; need to have transit system assistance to go into communities hit the hardest in order for them to have transportation to jobs; support services around caring for the elderly; need to ensure our transit system can expand their hours or service before October 31, 2021; need for coordination with the County on the use of these funds; when the RFP process is developed, make sure we have a goal of equitable recovery for these ARPA funds; and when can City Council expect to see the climate justice initiative report and the stormwater task force report.

At 3:26 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – August 24, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

Mayor Manheimer was sympathetic that many people in our community and the surrounding counties experienced flooding and some loss of life. She thanked all the agencies across the state that helped provide response with the disaster of Tropical Storm Fred.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Councilwoman Roney, Consent Agenda Item "S" was removed from the Consent Agenda for discussion and/or individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 27, 2021

400

/4891

B. ORDINANCE NO. 4391 - ORDINANCE AMENDING THE FISCAL YEAR 2021-22 FEES & CHARGES MANUAL TO ESTABLISH TRANSIT ADVERTISING FEES

Action Requested: Adoption of an ordinance amending the Transit Advertising fees and charges for Fiscal Year (FY) 2021-22.

Background:

- In April 2021, City Council adopted new fees and charges for City services, including transit bus advertising fees, to become effective July 1, 2021.
- Staff inadvertently did not include the full range of updated fees and charges in what was adopted in April.
- The subject action will correct that oversight.
- The new fees will become effective as soon as they are adopted.

Committees:

- Finance & Human Resources Committee August 18, 2021 - Voted unanimously to forward onto Council as recommended by staff.

Pros:

- The fee updates include additional options to provide more flexibility to potential advertisers, which staff expects will attract more advertisers.
- Revenue from advertising fees supports the transit operating budget.

Con:

- A minimal increase in the cost to advertise on City buses.

Fiscal Impact:

- Proposed fees are summarized in the attachment to the staff report.

Motion:

- Adopt an ordinance updating the Transit Advertising fees and charges.

ORDINANCE BOOK NO. 33 - PAGE 357

C. RESOLUTION NO. 21-167 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPALACHIAN SITEWORK INC. FOR THE SULPHUR SPRINGS STORMWATER IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Appalachian Sitework Inc. in the amount of $990,022.00 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $198.004.40 (20%) for a total budget of $1,188,026.40 for the Sulphur Springs Road Stormwater Improvements Project.

Background:

- The purpose of this project is to address significant drainage issues along Sulphur Springs Road that cause flooding in the roadway at the low point of the basin (the intersection with an unnamed tributary of Hominy Creek).
- This project will install a new drainage system that addresses the issues and provides a system that can be expanded with future projects along the contributing side streets.

- The minor culvert extension and associated stream stabilization at the inlet and outlet will address existing steep slopes at the roadway and provide a more sustainable stream bank that will not be as prone to erosion as the current situation.
- Approximately 2,100 linear feet of a new stormwater system will be installed inside the rights-of-way of Sulphur Springs Road, Covington Road, Clinton Road, and Belmont Avenue to improve drainage and reduce excessive stormwater on the roadway.
- Sulphur Springs Road will be paved following the Stormwater Project as part of Bond Resurfacing.
- The project was advertised on May 28, 2021 and re-advertised on July 8, 2021.
- A total of three contractors attended the non-mandatory pre-bid meeting on June 10, 2021.
- A formal bid opening occurred on July 29, 2021 at 3:00 pm.
- Four (4) bids were received:
    - Appalachian Sitework Inc. of Waynesville, NC for $990,022.00
    - T.P. Howard's Plumbing Co. Inc. of Fairview, NC for $1,410,000.00
    - Teraflex Group, LLC with a home office in Williston, ND and a local office in Waynesville, NC for $1,482,469.50
    - B H Graning, of Sylva, NC for $1,369,628.59
- The lowest responsive, responsible bidder was Appalachian Sitework Inc.
- Construction is anticipated to start at the end of September, weather permitting. The project should be completed in approximately eleven months.

Vendor Outreach Efforts:

- The City's Goal Setting Committee has set an annual aspirational goal for construction projects at 4.6% MBE participation, in alignment with the City's Business Inclusion Policy.
- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, the City of Asheville website, the City of Asheville Twitter account, and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Stormwater staff also reached out to MWBE contractors that were identified through Yoruba Life, NCDOT HUB certified website, and The Color of Asheville directory.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Out of the four (4) bids received, none self-identified as a MWBE business owner.
- All four (4) bidders indicated that they would be utilizing a MWBE sub-contractor (three woman-owned, one Black American-owned).
- The lowest responsive, responsible bidder - Appalachian Sitework Inc - provided very thorough documentation on their outreach.
- ABI Manager, Rosanna Mulcahy, approved the good-faith effort by the contractor on August 2nd.
- Appalachian Sitework submitted documentation that they would use JLS Company, which is a WBE business, for paving.

Council Goal(s):

- A Financially Resilient City
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The Project will install a stormwater system to help alleviate flooding in the roadway, create more sustainable stream banks, and provide drainage improvements in the right-of-way.
- The Project will provide a properly designed drainage system and stormwater conveyance inside the right-of-way.
- The Project will improve public safety in the neighborhood, as well as reduce damage to infrastructure.

Con(s):
- Construction may be somewhat disruptive to nearby residences and the school.
- Efforts will be made to notify residents and other stakeholders, and to minimize disruptions.
- Outreach and coordination with Lucy S. Herring Elementary has already started.

Fiscal Impact:
- This project is funded with 2016 General Obligation (GO) Bond funds and Stormwater Capital Funds.
  - GO Bond contribution is $20,000.00 to replace existing stormwater infrastructure
  - Stormwater Capital Fund contribution is $1,168,026.40 to install new stormwater infrastructure
- Paving of side street sections of the project is funded by the Stormwater Capital Fund.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract with Appalachian Sitework Inc. in the amount of $990,022.00 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $198.004.40 (20%) for a total budget of $1,188,026.40 for the Sulphur Springs Road Stormwater Improvements Project.

RESOLUTION BOOK NO. 42 - PAGE 316

D. **RESOLUTION NO. 21-168 - RESOLUTION AUTHORIZING THE CITY MANAGER TO (1) APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 201 AMERICAN RESCUE PLAN ACT SECTION 5307 URBAN TRANSIT FORMULA FUNDS, AND TO ACCEPT SAID GRANT IF AWARDED; (2) TO EXECUTE THE SUBRECIPIENT AND SUBALLOCATION AGREEMENTS**

ORDINANCE NO. 4392 (14892) - BUDGET AMENDMENT IN THE TRANSIT MULTI-YEAR AND TRANSIT OPERATING FUNDS TO BUDGET THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 201 AMERICAN RESCUE PLAN ACT SECTION 5307 URBAN TRANSIT FORMULA FUNDS

Action Requested: Adopt a resolution authorizing the City Manager to apply for the FY 2021 American Rescue Plan Act (Section 5307) grant funds and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute subrecipient agreements; and a budget amendment in the amount of $4,252,528 in the FY 2022 Transit Multi-Year Fund (6510) to include the American Rescue Plan Act revenue.

Background:
- On March 11, 2021, the American Rescue Plan (ARP) Act of 2021 was signed into law, which includes $30.46 billion for Public Transportation.

- The total funds apportioned to the transit industry under the ARP Act also include $4.25 million for the Asheville Urbanized Area (UZA).
- On April 12, 2021, the FTA announced the availability of the ARP Act to support the nation's public transportation systems to continue responding to the COVID-19 pandemic and support President Biden's call to vaccinate the U.S population.
- Additionally, the FTA directed that ARP Act funds be used for payroll and operations unless recipients certify that it has not furloughed any of its employees.
- Similar to the 2020 CARES Act, operating costs of public transit during the public health emergency, including purchase of personal protective equipment, administrative leave for operations, or contractor personnel due to reductions in service are all eligible expenses for ARP funds.
- The FTA has indicated that all ARP Act funds must be obligated by September 30, 2024, and disbursed by September 30, 2029.
- At its May 27, 2021, monthly meeting, the French Broad River Metropolitan Planning Organization (FBRMPO) Board approved and adopted a resolution allocating the American Rescue Plan Act funding to eligible transit systems in the Asheville Urbanized Area (AUZA).
- The chart on page 2 highlights the amount allocated to each transit system in the AUZA region.
- ARP Act funds will provide 100% of the Federal match of the anticipated funding and do not require any local match.
- Transportation Department staff is working with all sub-recipients on how they will use the funds allocated to them and will submit an application to the FTA in the amount of $4.25 million by September 30, 2021, for approval.
- Transportation Department staff is recommending approving the ARP Act Subrecipient and Suballocation Agreement to be executed between the City of Asheville and sub-recipients.
- Transportation Department staff submitted the required Federal Split Letter to the FTA Region VI Office outlining the MPO-approved allocation of ARP Act funds on August 3, 2021.
- The budget amendment will provide expenditure authorization for the $4.25 million in grant funds.
- The City's portion of the funds will be used for transit operations including service improvements to be implemented in October 2021, and other expenses incurred in response to COVID-19.

FBRMPO ALLOCATED FY2021 ARP ACT (SECTION 5307) FUNDS		
	PROPOSED DISTRIBUTION/PERCENT	**ESTIMATED DISTRIBUTION/AMOUNT**
CIty of Asheville	**42.6%**	**$1,812,935**
Buncombe County	**28.6%**	**$1,217,130**
Henderson County	**20.4%**	**$867,774**
Haywood County	**8.3%**	**$354,689**
	TOTAL	**$4,252,528**

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None.

Pro(s):
- ARP Act funds will enable the City of Asheville to use federal funds to help offset operational expenses incurred on or after January 20, 2020, in response to the continued support of the COVID-19 pandemic, and respond to the President's call to vaccinate the U.S. population.

Con(s):
- None.

Fiscal Impact:
- The ARP Act funds provide 100% of the funding with no local match required.

Motion:
- Motion to adopt a resolution authorizing the City Manager to apply for the FY 2021 ARP Act (Section 5307) grant funds, and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute subrecipient agreements; and a budget amendment in the amount of $4,252,528 in the FY 2022 Transit Multi-Year Fund (6510) to include the American Rescue Plan Act revenue.

RESOLUTION BOOK NO. 42 - PAGE 317
ORDINANCE BOOK NO. 33 - PAGE 361

E. RESOLUTION NO. 21-169 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE-YEAR MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE WESTERN NORTH CAROLINA NATURE CENTER

ORDINANCE NO. 4393 (14893) - BUDGET AMENDMENT TO ACCEPT A ONE-TIME DONATION FROM THE WESTERN NORTH CAROLINA NATURE CENTER

Action Requested: Adoption of a three-year memorandum of understanding between the City and the Friends of the WNC Nature Center and adopt a budget amendment in the amount of $100,000 in the General Capital Projects Fund to accept and budget a one-time donation from the Friends of the WNC Nature Center.

Background:
- For the past few decades, the Friends of the WNC Nature Center, a 501c3 not-for-profit fundraising organization, has supported the work of the WNC Nature Center through cash donations, marketing and promotional activities, special events and membership.
- Since the Center embarked on its current Master Plan in 2010, the Friends have committed over $3 million in capital funding. These dollars have been used in the construction of the upgraded red wolf exhibit/arachnid adventure playground, the new front entrance and welcome plaza and the addition of the red panda exhibit to name only a few.
- The Friends will make a $100,000 restricted cash donation to be used by the Nature Center for capital repairs/improvements and upgrades in FY 21/22 and have pledged to commit at least $100,000 per year for the next two Fiscal Years.

- Additionally, a portion of the Friends' restricted cash donation each year will be used to foster Diversity Equity and Inclusion at the Nature Center through initiatives and programs that strengthen existing partnerships between the Nature Center and local programs/organizations that currently reach audiences from marginalized communities.
- The Center will focus on building relationships to enhance existing networks of people, programs, and partnerships in Western North Carolina working to advance equity and inclusion, especially as it relates to outdoor education and the environment, across the Western NC region and particularly within Asheville's communities.

Council Goal(s):
- Fostering an equitable and diverse community

Pro(s):
- Continue the strong relationship between the City of Asheville's Western North Carolina Nature Center and the Friends of the WNC Nature Center.
- $100,000 cash contribution from the Friends of the WNC Nature Center to the City of Asheville to be restricted for use at the WNC Nature Center to improve and enhance facilities as well as expand the Diversity, Equity, and Inclusion Programming at the Center in FY 21/22

Con(s):
- None.

Fiscal Impact:
- $100,000 in funds for use at the Nature Center to improve and update facilities and expand Diversity, Equity, and Inclusion programming.
- These funds will be accounted for in the City's General Capital Projects Fund. Under the previous MOU, revenue from the Friends of the WNC Nature Center went to support General Fund operations at the Nature Center.

Motion:
- Motion for a resolution authorizing the City Manager to enter into an agreement with the Friends of the WNC Nature Center; and the associated budget amendment in the City's General Capital Projects Fund in the amount of $100,000 utilizing the Friends of the WNC Nature Center funds.

RESOLUTION BOOK NO. 42 - PAGE 318
ORDINANCE BOOK NO. 33 - PAGE 362

F. RESOLUTION NO. 21-170 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JLS COMPANY, LLC, FOR THE SHILOH LOWER PARKING LOT PAVING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with JLS Company, LLC., for $98,105.13, for the Shiloh Lower Parking Lot Paving project and to execute any change orders that may arise during the project up to the contingency amount of $14,715.75 (15%).

Background:
- The lower parking lot at the Linwood Crump Shiloh Community Center is overdue for new pavement.
- The asphalt parking lot is severely cracked and curbs are misaligned.

- New curbs, asphalt pavement, nine new parking spaces, and accessible sidewalks (connecting the site to the street) are proposed.
- This project was advertised for informal bids on June 28, 2012 with bids received by July 21, 2012.
- Informal bids were received by the following contractors:
    - JLS Company, LLC. Skyland, NC $98,105.13
    - Harrison Construction Company, Asheville, NC $129,350
    - B.H. Graning Contracting Inc., Sylva, NC $149,500
- JLS was the lowest responsive, responsible bidder.
- This project is proposed to start in September and last six to eight weeks.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Bid documents indicate that Appalachian Paving and Concrete, a Women Owned business of Swannanoa, NC, will be performing work as a subcontractor on this project for $26,000.

Council Goal(s):

- A well planned and livable community

Committee(s):

- None

Pro(s):

- Resurfaced parking lot and expanded parking along with providing accessibility.

Con(s):

- One tree will be removed with this project.

Fiscal Impact:

- Funding for this contract is included in the adopted Parks and Recreation Capital Improvement Funds. Contract cost is $98,105.13 with a 15% contingency of $14,715.75 for a total of $112,820.88.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with JLS Company, LLC., for $98,105.13, for the Shiloh Lower Parking Lot Paving project; and to execute any change orders that may arise during the project up to the contingency amount of $14,715.75 (15%).

RESOLUTION BOOK NO. 42 - PAGE 319

G. RESOLUTION NO. 21-171 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH CLIMBMAX INC. FOR PROPERTY LOCATED ON 43 WALL STREET

Action Requested: Adoption of a resolution authorizing the City Manager to sign a lease agreement with Climbmax, Inc. for property located at 43 Wall Street.

Background:

- Climbmax Inc is a recreational climbing facility that has been operating for over twenty years at 43 Wall Street.
- Climbmax leases a portion of the lower level of the property known as the Wall Street Parking Garage (PIN #9649-20-9249).
- This is a unique space because the interior has been outfitted with several different practice walls with varying levels of difficulty for practice and recreation.
- There is also a large rock climbing facade on the exterior of the building for the experienced climber.
- It would require costly improvements to up-fit the space for a more conventional use such as an office.
- The interior contains approximately 2,440 square feet and the exterior consists of ground area, overhead air space and a portion of an exterior wall of the City's Parking Garage.
- This small business was hit hard during the pandemic because of closures and dramatic decreases in tourism.
- The lease ended in March of 2020 and the owner has continued in the space on a month to month basis.
- As the business attempts to recoup lost revenue, the owner will be required to sign a conventional lease agreement.
- This tenant will pay $1,490 per month or $17,890.92 per year. The rental rate will increase every year by 3%.
- He has requested a one year lease with two (2) three year renewals.
- He will continue to be required to have insurance that protects the City from any liability resulting from climbing wall users.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- The Tenant will continue to be responsible for most internal maintenance such as the care of the HVAC system.
- City is receiving compensation for this space without the costly improvements necessary to convert to a more conventional use.

Con(s):
- None

Fiscal Impact:
- Since this property was constructed as part of the Wall Street Parking Facility, the proceeds from this lease will be recorded as revenue into the Parking Services Fund.

Motion:
- Motion to approve the resolution authorizing the City Manager to sign a lease document with Climbmax Inc.

RESOLUTION BOOK NO. 42 - PAGE 320

H. 2021 WATER REVENUE REFUNDING BOND

RESOLUTION NO. 172 - RESOLUTION APPROVING THE 2021 WATER REVENUE REFUNDING BOND ORDER

RESOLUTION NO. 21-173 - RESOLUTION APPROVING THE 2021 WATER REVENUE REFUNDING BOND RESOLUTION

Action Requested:
- Approval of Bond Order for the proposed 2021 Water Revenue Refunding Bonds
- Approval of Bond Resolution for the proposed 2021 Water Revenue Refunding Bonds

Background:
- In May, 2018, Council authorized the issuance of a Water Revenue Bond Anticipation Note (Water BAN) draw program in an amount not to exceed $40 million.
- The loan was used to reimburse the City for expenses associated with the North Fork Dam project.
- The City has drawn down the full amount of the loan, $40 million.
- To pay off the Water BAN loan, the City intends to issue long-term, fixed-rate Water Revenue Refunding Bonds in late-September 2021.

Council Goal:
- Financially Resilient City

Committee(s):
- None

Pro(s):
- Converts a short-term variable-rate loan to long-term, fixed-rate refunding bonds.
- Spreads capital costs over a longer term to better match the life of the water asset, the North Fork Dam

Con(s):
- None

Fiscal Impact:
- Annual debt service payments will increase because long-term fixed rates are higher than short-term variable rate debt.
- This increase was included in the multi-year Water Rate Model that was discussed with Council during the budget process.
- The final amounts of the new debt service payments will be determined on the bond sale date and will be included in future Water Fund budgets.

Motion:
- Motion to approve the 2021 Water Revenue Refunding Bonds - Bond Order
- Motion to approve the 2021 Water Revenue Refunding Bonds - Bond Resolution

RESOLUTION NO. 21-172 - RESOLUTION BOOK NO. 42 - PAGE 321
RESOLUTION NO. 21-173 - RESOLUTION BOOK NO. 42 - PAGE 323

I. **RESOLUTION NO. 21-174 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR RIGHT-OF-WAY ACQUISITION SERVICES WITH MATTERN AND CRAIG FOR THE 2016 BOND BUNDLE B SUITE OF SIDEWALK PROJECTS**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment for right-of-way acquisition services with Mattern and Craig of Asheville, N.C., for the 2016 Bond Bundle B suite of sidewalk projects in the amount of $191, 510 plus a contingency of $19,151 (10%) for a total of $210,661.

Background:

- An RFQ for the Bundle B suite of sidewalk projects design contract was advertised on March 31, 2017. The names of the design firms / engineers that submitted RFQs are listed below:

Anchor QEA, of Asheville, NC	Mattern and Craig, of Asheville, NC
McGill and Associates, of Asheville, NC	Davenport, of Winston-Salem, NC
Vaughn and Melton Inc., of Asheville, NC	Henson Foley, of Huntersville, NC
Siteworks, of Asheville, NC	Wetherill, of Raleigh, NC

- Mattern & Craig Inc., of Asheville, N.C. was chosen to perform all of the design work included in the contract.
- Work covered by the contract includes surveying, development of construction documents, permitting, environmental documents, and community outreach.
- Right-of-way and easement negotiations were optional services that could be added to the original contract with Mattern and Craig at an additional cost.
- At this stage of design the needed right of way has been determined for both of the sidewalk projects along Johnston Boulevard and New Haw Creek Rd.
- These services are required now in order to acquire the property necessary to build sidewalks and meet the timeline for completing work before the end of the seven years allowed for the completion of the general obligation bond projects.
- The amount of property that needs to be acquired for these two projects exceeds the capacity of the City real estate acquisition team to do the work internally.

Vendor Outreach Efforts:

- Mattern and Craig was selected and contracted to perform this work in 2017. At the time that this contract was awarded the firm had selected the subcontractors with whom they intended to work. In the event that Matten and Craig changes a subcontractor under this agreement, they will be required to follow the City's business inclusion practices to seek qualified Minority and Women owned businesses to perform the sub consulting work.

Council Goal(s):

- Transportation and accessibility

Committee(s):

- None

Pro(s):

- Improved connectivity and accessibility for the neighborhoods within the project areas.
- Completion of a General Obligation Bond project.

Con(s):

- Construction will be disruptive to adjacent residences.
- Efforts will be made to minimize disruptions.

Fiscal Impact:

- Funding for the Bundle B Sidewalks project is included in the General Obligation Bond Program.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment for right-of-way acquisition services with Mattern and Craig of Asheville, N.C., for the 2016 Bond Bundle B suite of sidewalk projects in the amount of $191, 510 plus a contingency of $19,151 (10%) for a total of $210,661.

RESOLUTION BOOK NO. 42 - PAGE 327

J. RESOLUTION NO. 21-175 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HARRISON CONSTRUCTION COMPANY FOR THE SUMMER 2021 ASPHALT PRESERVATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Harrison Construction Company in the amount of $628,485.10, plus a 15% contingency of $94,272.76 ($722,757.86 total) for the Summer 2021 Asphalt Preservation contract.

Background:

- The main scope of this contract is to provide a one inch layer of asphalt on top of existing asphalt as a preservation treatment for 2.53 miles of City streets.
- The contract was advertised on June 28, 2021 and bids were opened on July 15, 2021.
- The following bids were received:

Harrison Construction Company of Asheville, NC	$628,485.10
JLS Company of Arden, NC	$664,273.05
French Broad Paving of Marshall, NC	$835,232.25
Bryant's Land and Development Industries of Burnsville, NC	$868,875.10

- The contract is expected to begin in mid-September and to take approximately 60 days to complete.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Staff also checked the NC Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Only one company from an identified disparity group was found in the ten-county area and staff directly contacted that company.
- The company did not bid as a prime, but is listed as a sub with several of the prime bidders.
- Harrison Construction proposes to use two MWBEs on the contract for a total of 17.7 percent of the funds spent on the project.
- Of these total 12.6 percent will be spent with a Black-owned company.

Council Goal(s):

- Well-Planned Livable Community.

Committee(s):

- None.

Pro(s):

- Contract will provide for the preservation of 2.53 miles of City roads.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is already budgeted in the approved Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Harrison Construction Company in the amount of $628,485.10, plus a 15% contingency of $94,272.76 ($722,757.86 total) for the Summer 2021 Asphalt Preservation contract.

RESOLUTION BOOK NO. 42 - PAGE 328

K. **RESOLUTION NO. 21-176 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEAF DOWNTOWN AVL EVENT ON AUGUST 27-28, 2021**

RESOLUTION NO. 21-177 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON SEPTEMBER 3-5, 2021

RESOLUTION NO. 21-178 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON SEPTEMBER 5, 2021

RESOLUTION NO. 21-179 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SYMPHONY IN THE PARK EVENT ON SEPTEMBER 19-20, 2021

RESOLUTION NO. 21-180 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST ON OCTOBER 2, 2021

RESOLUTION NO. 21-181 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LIBERTY STREET BLOCK PARTY ON OCTOBER 2, 2021

RESOLUTION NO. 21-182 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE WICKED HALLOWEEN 5K AND FUN RUN ON OCTOBER 16, 2021

RESOLUTION NO. 21-176 - RESOLUTION BOOK NO. 42 - PAGE 329
RESOLUTION NO. 21-177 - RESOLUTION BOOK NO. 42 - PAGE 332
RESOLUTION NO. 21-178 - RESOLUTION BOOK NO. 42 - PAGE 335
RESOLUTION NO. 21-179 - RESOLUTION BOOK NO. 42 - PAGE 338
RESOLUTION NO. 21-180 - RESOLUTION BOOK NO. 42 - PAGE 341
RESOLUTION NO. 21-181 - RESOLUTION BOOK NO. 42 - PAGE 344
RESOLUTION NO. 21-182 - RESOLUTION BOOK NO. 42 - PAGE 347

L. RESOLUTION NO. 21-183 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH DAIKIN APPLIED AMERICAS INC. FOR HARRAH'S CHILLER MAINTENANCE PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the Harrah's Cherokee Center Asheville's (HCCA) contract with Daikin Applied Americas, Inc. to increase the contract amount by $26,772, for a revised total maximum price amount of $128,634.00 and to extend the contract for an additional year.

Background:

- This contract has been in place since August 11, 2017, for the service & maintenance of the Chiller unit at the Harrah's Cherokee Center.
- The contract is a service contract.
- Daikin Applied Americas, Inc. performs preventative maintenance for the chiller.
- The contract includes 40 hours of repair service time to cover any emergency repairs.
- The City is responsible for parts.
- There is one more one year extension opportunity on this contract.
- City Council approved a one year extension in 2020, revising the total contract amount to a total of $101,862.

Vendor Outreach Efforts:

- When initially contracted, staff performed an informal bidding process which included outreach to
  Minority & Women-Owned Business Enterprise (MWBE) service providers for services.
- No MWBE service providers responded.

Council Goal(s):

- A Thriving Local Economy
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Reduced energy consumption with well maintained equipment with intelligent controls.
- Immediate, contractual service response for potential outage repairs that are not in the skill set of current facility staff.

Con(s):

- None.

Fiscal Impact:

- Funds are budgeted within the Harrah's Cherokee Center's contracted services account ($26,772).

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the contract with Daikin Applied Americas, Inc. to increase the contract amount by $26,772, for a revised total maximum price amount of $128,634.00 and extend the contract for an additional year.

M. RESOLUTION NO. 21-184 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A SHUTTERED VENUE OPERATORS GRANT FROM THE SMALL BUSINESS ASSOCIATION

Action Requested: Adoption of a resolution authorizing receipt of Shuttered Venue Operators (SVO) grand funding and delegating the responsibility to execute any necessary agreements related to SVO funding to the City Manager

Background:

- The COVID Relief Bill of December 2020, in part, created the Shuttered Venue Operators Grant system, administered by the Small Business Administration. This system included a total of over $15 billion of available assistance funds to be awarded after approved application.
- City staff has applied for and been awarded a total of $1,627,336.57.
- These funds will specifically be used to cover Utility and Salary costs incurred by the enterprise fund between March 1, 2020 and December 31, 2021

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides authorization for the City of Asheville to receive SVO Grant funding

Con(s):

- None.

Fiscal Impact:

- These grant funds will offset revenue losses at the Harrah's Cherokee Center of Asheville (HCCA) in prior fiscal years, specifically as noted above, for salary and utility costs normally covered by HCCA operating revenue.

Motion:

- Motion to adopt a resolution authorizing receipt of Shuttered Venue Operators (SVO) grand funding and delegating the responsibility to execute any necessary agreements related to SVO funding to the City Manager.

RESOLUTION BOOK NO. 42 - PAGE 351

N. RESOLUTION NO. 21-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT AGREEMENT ON CITY-OWNED PROPERTY AT 63 LIBERTY STREET FOR THE CONSTRUCTION OF A SEWER SERVICE LINE

Action Requested: Adoption of a resolution authorizing the City Manager to grant a sewer easement to Dandrige Giltz, the owner of the property at 63 Liberty Street.

Background:

- A local property owner has approached the Real Estate Office requesting an easement on City property in order to connect a new single family home to the only MSD sewer line in the vicinity.
- The owner intends to use the easement to connect a new home to be built on the adjacent vacant lot.
- He provided a map that showed that the connection is at the rear property line and the easement would consist of 108 square feet.
- This map is provided.
- There is no other viable sewer connection available.
- The map was shared with Al Kopf of the Parks and Recreation Department.
- The easement is in an area of Oakley Park that is not well used and it will not limit the use of the Park by local residents.
- The owner of the parcel will compensate the City fair market value for the easement.

Council Goal(s):
- A Well Planned and Livable Community

Committee(s):
- None

Pro(s):
- The City is receiving compensation for the easement.
- Support the development of a single family house for a family.

Con(s):
- There will be temporary disruption on City property during construction.

Fiscal Impact:
- City is receiving unbudgeted revenue for the easement in the amount of $ 907.20

Motion:
- Motion to approve the resolution authorizing the City Manager to grant a sewer easement to serve the property located at 63 Liberty Street.

RESOLUTION BOOK NO. 42 - PAGE 352

O. RESOLUTION NO. 21-186 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RENEWAL AID AGREEMENT WITH REEM'S CREEK FIRE DEPARTMENT

Action Requested: Adoption of the renewal of the automatic aid agreement between the City of Asheville and Reems Creek Fire Department.

Background:
- In August 2013, City Council approved a resolution authorizing a multi-year agreement with Reem's Creek Fire Department for automatic aid service.

- The City of Asheville has a need to strengthen its standard of response and cover in the Beaverdam Valley and the Reem's Creek Fire Department is the most appropriate organization to provide the service.
- The initial agreement costs were $82,656 and as stipulated in the agreement, the costs are to be adjusted every year based on the consumer price index.
- After eight years of positive consumer price index increases, the renewal for the Fiscal Year (FY) 2021-22 services cost are budgeted at $97,053.90.
- This year's Consumer Price Index for the Southern Region is +5.7% which represents the agreement increase of $5,320.54 from last year.
- The term of the renewal agreement will end June 30, 2022.

Vendor Outreach Efforts:
- No other vendors are able to provide this service
- There are no Minority & Women-Owned Business Enterprise (MWBE) firms able to provide this service

Council Goal(s):
- Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Allows standard of cover to be met greater than 90% of the time.

Con(s):
- Fiscal impact.

Fiscal Impact:
- Execution of the agreement renewal is budgeted at and costs $97,053.90.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into a renewal agreement for automatic aid service between the City of Asheville and Reems Creek Fire Department

RESOLUTION BOOK NO. 42 - PAGE 353

P. RESOLUTION NO. 21-187 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE PARASERVICES TRANSIT CONTRACT WITH BUNCOMBE COUNTY

Action Requested: Adoption of a resolution authorizing the City Manager to ratify the Paratransit Services Agreement with Buncombe County and to amend the agreement to increase the contract amount to include $1.3 million in the agreement to pay for paratransit services to be rendered during Fiscal Year (FY) 2022.

Background:
- On September 24, 2013, Council approved a resolution authorizing the City Manager to contract with Buncombe County to provide paratransit services through Mountain Mobility.
- On August 25, 2020, Council approved a resolution authorizing the City Manager to ratify, amend and increase the contract amount by $1.3 million to pay for invoices remaining in FY 2020 and pay for paratransit services rendered during FY 2021.

- Staff is requesting approval of a change order to include $1.3 million in the contract to pay for paratransit services to be rendered during FY 2022.
- The contract currently has a balance of $185,552.23 and will increase to $1,485,552.23 when the change order is processed in Munis,
- Funding for the contract is budgeted in the FY 2022 Transit Operations Budget.
- Per N.C. General Statute §160A-461, inter-local agreements must be ratified by the City Council.
- This action includes ratification of the original 2013 agreement, as well as the amendment to increase funding in the service contract for the provision of paratransit services for FY 2022.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Ensures sufficient funding is available to pay for services as required by the contractual agreement.

Con(s):
- None

Fiscal Impact:
- Funding for the contract amount is included in the adopted Transit Services Fund budget.

Motion:
- Adopt a resolution authorizing the City Manager to ratify the Paratransit Services Agreement with Buncombe County, amend the agreement to increase the contract amount by $1.3 million, and increase the current contract amount from $185,552.23 to $1,485,552.23 in the agreement to pay for paratransit services to be rendered in FY 2022.

RESOLUTION BOOK NO. 42 - PAGE 354

1489

Q. ORDINANCE NO. 4394 - TECHNICAL BUDGET AMENDMENT TO ACCOUNT FOR FIRE PROTECTION REVENUES AS OUTLINED IN AN AGREEMENT WITH BUNCOMBE COUNTY

Action Requested: Adoption of a technical budget amendment in the Special Revenue Fund in the amount of $440,000 to account for fire protection revenues as outlined in an agreement with Buncombe County.

Background:
- The Asheville Special Fire Protection & Ambulance and Rescue Service District of Buncombe County comprises the Biltmore Estate property, and portions of the Haw Creek District.
- It is served by the Asheville Fire Department for fire protection and rescue services.
- The County levies a special property tax in the Asheville Special Fire Protection & Ambulance and Rescue Service District and appropriates those funds to the City of Asheville.
- Sales taxes are also distributed based on the proportion of ad-valorem tax levies within the County.

- As part of the agreement with Buncombe County approved by Council on June 8, 2021, the City is required to begin accounting for the property and sales tax revenue received as part of the agreement in the Special Revenue Fund.
- The City has historically accounted for this revenue in the General Fund.
- The Adopted FY 2021-22 Budget included these revenues as part of the General Fund budget; this technical budget amendment will provide authorization to record the revenues in the Special Revenue Fund as required by the agreement.

Council Goal(s):
- Connected and Engaged Community

Pro(s):
- Brings the City into compliance with the terms of the agreement.

Con(s):
- None

Fiscal Impact:
- There is no net fiscal impact as this revenue was included in the General Fund as a part of the FY 2021-22 Adopted Budget.

Motion:
- Motion to adopt a technical budget amendment for fire protection services in the Special Revenue Fund in the amount of $440,000.

ORDINANCE BOOK NO. 33 - PAGE 363

R. **RESOLUTION NO. 21-188 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NATIONAL RESOURCE DEFENSE COUNCIL FOR THE PURPOSE OF ADDRESSING THE CITY'S FOOD POLICY ACTION PLAN THROUGH INCREASED FOOD WASTE REDUCTION EDUCATION IN THE CITY OF ASHEVILLE**

ORDINANCE NO. 4395 (4895) - BUDGET AMENDMENT TO ACCEPT FUNDING FROM THE NATIONAL RESOURCE DEFENSE COUNCIL FOR THE OFFICE OF SUSTAINABILITY'S FOOD WASTE REDUCTION WORK

Action Requested: Adoption of a resolution authorizing the City Manager to accept funding in the amount of $16,500 from Natural Resource Defense Council (NRDC) for the Office of Sustainability's food waste reduction work and a budget amendment in the amount of $16,500 to appropriate the funding in the City's Sustainability Budget.

Background:
- In November 2017, the Asheville City Council approved the Municipal Food Policy Goals and Action Plan by adopting Resolution 17-257.
- The adopted plan included a focus area of Resource Stewardship.
- Within the resource stewardship focus area, the plan outlines a need to create an actionable plan for city food waste recovery, composting, and redistribution.
- In FY21, the NRDC project selected the City of Asheville's Office of Sustainability to participate in a Southeast regional cohort with Atlanta, Memphis, Nashville, and Orlando to develop food waste reduction initiatives.
- In FY21, the City of Asheville's Office of Sustainability initiated pilot projects to increase food waste reduction and educate residents on opportunities for decreasing residential and commercial food waste.

- At the January 12, 2021 City Council meeting, the City Council approved this budget ordinance and resolution 21-6 authorizing the City to accept FY21 grant funds to support the implementation of the City's Food Waste Reduction Campaign.
- Utilizing the FY21 funds, the project:
  - produced a food waste reduction proclamation,
  - assisted the Food Waste Solutions-WNC networking entity to launch a new public education website (www.wncfoodwaste.org),
  - developed and implemented a community engagement campaign and social media campaign,
  - printed education materials for community partners, and a home food waste challenge.
- Additionally, food waste snapshot audits were conducted at three city facilities to better understand waste reduction and diversion opportunities.
- During FY21 internal preparations and logistics were completed to facilitate the launch of a public food scrap drop off pilot project in FY22.

- NRDC extended new funding into FY22 to deepen connections and collaboration with Buncombe County and continue strategic food waste reduction work in Asheville and Buncombe County.
- FY22 grant funds will be used for food waste reduction outreach and education efforts.
- Project efforts include:
  - Public Food Waste Reduction collaboration with Buncombe County staff,
  - Snapshot food waste audits at city and county facilities,
  - Community compost drop off pilot program launch, and
  - Public outreach and education campaign.
- NRDC Grant recipients are not required to provide a cash match.

Council Goal(s):
- A well-planned and livable community
- A clean and healthy environment
- A connected and engaged community

Committee(s):
- None

Pro(s):
- Helps support City's Food Policy Action Plan Resolution while leveraging NRDC funding
- Engage with regional partner cities to connect, collaborate, and share best practices
- Collaborate with Buncombe County staff to develop and execute waste reduction initiatives

Con(s):
- None

Fiscal Impact:
- No City match is required.

Motion:
- Motion to approve a resolution authorizing the City Manager to accept funding from the Natural Resource Defense Council and a budget amendment in the amount of $16,500 to appropriate the funding in the City's Sustainability budget.

RESOLUTION BOOK NO. 42 - PAGE 355
ORDINANCE BOOK NO. 33 - PAGE 364

S. BUDGET AMENDMENT TO APPROPRIATE AMERICAN RESCUE PLAN ACT FUNDING IN THE SPECIAL REVENUE FUND FOR PANDEMIC-RELATED REVENUE LOSSES

This item was removed from the Consent Agenda for discussion and/or individual vote.

Mayor Manheimer announced that there was one advanced sign-in caller; however, they did not join the meeting.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Roney moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda "S". This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

S. ORDINANCE NO. 4396 (14896) - BUDGET AMENDMENT TO APPROPRIATE AMERICAN RESCUE PLAN ACT FUNDING IN THE SPECIAL REVENUE FUND FOR PANDEMIC-RELATED REVENUE LOSSES

Action Requested: Adoption of a budget amendment in the amount of $1,600,000 in the City's Special Revenue Fund to appropriate American Rescue Plan Act State and Local Government Fiscal Recovery Funds for the purpose of addressing revenue losses associated with the COVID-19 pandemic.

Background:

- The American Rescue Plan Act (ARPA) of 2021, which is designed to facilitate the United States' recovery from the devastating economic and health effects of the COVID-19 pandemic, was signed into law by President Biden on March 11, 2021.
- As part of the ARPA State and Local Government Fiscal Recovery Funds (FRF), the City of Asheville is receiving $26,293,853.
- On July 27, 2021, City Council authorized the receipt of the $26.2 million in ARPA funding and delegated the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.
- The U.S. Treasury Department has issued guidance to describe allowable uses for the ARPA FRF funding, which centers around these major areas:
    - Public Health Uses
    - Negative Economic Impacts
    - Premium Pay for Essential Workers
    - Revenue Losses
    - Investments in Water, Sewer, and Broadband Infrastructure
    - Crime Response and Prevention.
- In regards to revenue losses, the U.S. Treasury Department guidance states that recipients may utilize ARPA funding for the provision of government services, to the extent of the reduction in revenue due to the COVID–19 public health emergency, relative to revenues collected in the most recent full fiscal year prior to the emergency.
- Budget staff has calculated the City of Asheville's revenue loss utilizing the guidance and formula provided by the U.S. Treasury Department and determined that the City is eligible to utilize ARPA funding to replace lost revenue.
- After analyzing revenue performance in the City's General Fund and its six Enterprise Funds since the beginning of the pandemic, staff is recommending that City Council

approve the use of $1.6 million in ARPA funding to offset revenue losses in the Parking Services Fund.
- No additional usage of ARPA funding for revenue loss is being recommended by staff.
- The budget amendment will appropriate ARPA funding in the Special Revenue Fund which will then be transferred to the Parking Services Fund.

Council Goal(s):
- A Financially Resilient City

Pro(s):
- Provides funding to allow the Parking Services Fund to offset the operating deficit that occurred in the fund in fiscal year 2020-21 due to the loss of on-street and garage revenue from the pandemic.

Con(s):
- Reduces the amount of ARPA funding available to address other initiatives

Fiscal Impact:
- As noted above, the City will receive $26.2 million in ARPA funding.
- If City Council approves this budget amendment for revenue loss, the City will have budgeted approximately $5.5 million in ARPA funding as detailed in the table below; leaving $20.7 million available for other initiatives.

Budgeted ARPA Funding To Date	Amount
Emergency Non-Congregate Homeless Shelter	$1,761,637
Public Portable Toilets	$90,000
Homeward Bound Acquisition of the Days Inn	$2,000,000
Revenue Loss	$1,600,000
TOTAL	**$5,451,637**

Councilwoman Roney repeated the questions from the work sesion regarding the current General Fund fund balance and/or its percentage, as well as the request to pull these funds from our General Fund Fund Balance so we're not competing with our partners who have urgent need for overlapping emergencies now. Finance Director Tony McDowell did not have exact numbers for the General Fund balance or percentage due to the audit taking place, and said that staff does not recommend using $1.6 Million from the General Fund fund balance as we typically use those funds for unplanned expenses or emergencies. Staff does not recommend utilizing Fund Balance at this point for this loss.

Councilwoman Roney responded that we are in a state of emergency as people in our City, County and region are experiencing the impact of climate change with the loss of lives, homes, farmland, and resources due to flooding and damage from Tropical Storm Fred. It is literally the rainy day and what our Fund Balance is designed for. She could not support the motion to use ARPA funds for this purpose.

Councilwoman Wisler moved to adopt the budget amendment in the amount of $1,600,000 in the City's Special Revenue Fund to appropriate American Rescue Plan Act State and Local Government Fiscal Recovery Funds for the purpose of addressing revenue losses

S. BUDGET AMENDMENT TO APPROPRIATE AMERICAN RESCUE PLAN ACT FUNDING IN THE SPECIAL REVENUE FUND FOR PANDEMIC-RELATED REVENUE LOSSES

This item was removed from the Consent Agenda for discussion and/or individual vote.

Mayor Manheimer announced that there was one advanced sign-in caller; however, they did not join the meeting.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Roney moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda "S". This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

S. ORDINANCE NO. 4396 (14896) - BUDGET AMENDMENT TO APPROPRIATE AMERICAN RESCUE PLAN ACT FUNDING IN THE SPECIAL REVENUE FUND FOR PANDEMIC-RELATED REVENUE LOSSES

Action Requested: Adoption of a budget amendment in the amount of $1,600,000 in the City's Special Revenue Fund to appropriate American Rescue Plan Act State and Local Government Fiscal Recovery Funds for the purpose of addressing revenue losses associated with the COVID-19 pandemic.

Background:

- The American Rescue Plan Act (ARPA) of 2021, which is designed to facilitate the United States' recovery from the devastating economic and health effects of the COVID-19 pandemic, was signed into law by President Biden on March 11, 2021.
- As part of the ARPA State and Local Government Fiscal Recovery Funds (FRF), the City of Asheville is receiving $26,293,853.
- On July 27, 2021, City Council authorized the receipt of the $26.2 million in ARPA funding and delegated the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.
- The U.S. Treasury Department has issued guidance to describe allowable uses for the ARPA FRF funding, which centers around these major areas:
    - Public Health Uses
    - Negative Economic Impacts
    - Premium Pay for Essential Workers
    - Revenue Losses
    - Investments in Water, Sewer, and Broadband Infrastructure
    - Crime Response and Prevention.
- In regards to revenue losses, the U.S. Treasury Department guidance states that recipients may utilize ARPA funding for the provision of government services, to the extent of the reduction in revenue due to the COVID–19 public health emergency, relative to revenues collected in the most recent full fiscal year prior to the emergency.
- Budget staff has calculated the City of Asheville's revenue loss utilizing the guidance and formula provided by the U.S. Treasury Department and determined that the City is eligible to utilize ARPA funding to replace lost revenue.
- After analyzing revenue performance in the City's General Fund and its six Enterprise Funds since the beginning of the pandemic, staff is recommending that City Council

approve the use of $1.6 million in ARPA funding to offset revenue losses in the Parking Services Fund.
- No additional usage of ARPA funding for revenue loss is being recommended by staff.
- The budget amendment will appropriate ARPA funding in the Special Revenue Fund which will then be transferred to the Parking Services Fund.

Council Goal(s):
- A Financially Resilient City

Pro(s):
- Provides funding to allow the Parking Services Fund to offset the operating deficit that occurred in the fund in fiscal year 2020-21 due to the loss of on-street and garage revenue from the pandemic.

Con(s):
- Reduces the amount of ARPA funding available to address other initiatives

Fiscal Impact:
- As noted above, the City will receive $26.2 million in ARPA funding.
- If City Council approves this budget amendment for revenue loss, the City will have budgeted approximately $5.5 million in ARPA funding as detailed in the table below; leaving $20.7 million available for other initiatives.

Budgeted ARPA Funding To Date	Amount
Emergency Non-Congregate Homeless Shelter	$1,761,637
Public Portable Toilets	$90,000
Homeward Bound Acquisition of the Days Inn	$2,000,000
Revenue Loss	$1,600,000
TOTAL	**$5,451,637**

Councilwoman Roney asked what our General Fund fund balance is and/or its percentage. As she asked in our ARPA worksession earlier today, why not pull these funds from our General Fund Fund Balance so we're not competing with our partners who have urgent need for overlapping emergencies now. Finance Director Tony McDowell said that staff does not recommend using $1.6 Million from General Fund fund balance as we typically use those funds for unplanned expenses or emergencies. Staff does not recommend utilizing Fund Balance at this point for this loss.

Councilwoman Roney responded that we are in a state of emergency as people in our City, County and region are experiencing the impact of climate change with the loss of lives, homes, farmland, and resources due to flooding and damage from Tropical Storm Fred. It is literally the rainy day and what our Fund Balance is designed for. She could not support the motion to use ARPA funds for this purpose.

Councilwoman Wisler moved to adopt the budget amendment in the amount of $1,600,000 in the City's Special Revenue Fund to appropriate American Rescue Plan Act State and Local Government Fiscal Recovery Funds for the purpose of addressing revenue losses

associated with the COVID-19 pandemic. This motion was seconded by Vice-Mayor Smith and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no."

ORDINANCE BOOK NO. 33 - PAGE 365

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

City Manager Campbell, along with other City staff, updated City Council on the Tropical Storm Fred Response; Reparations Process update; and Legislative update.

Tropical Storm Fred Response

City Manager Campbell recognized the tremendous work of our interdepartmental/ intergovernmental team - City Departments: Fire Department; Public Works; Police Department; Development Services; Communications and Public Engagement; Parks and Recreation; and Water Resources. Partners included Buncombe County; Duke Energy; Metropolitan Sewerage District; National Weather Service; and the N.C. Dept. of Transportation (NCDOT).

Regarding the Tropical Storm Fred response, Assistant Fire Chief Chris Budzinski outlined (1) Coordination - Constant coordination with Buncombe County Emergency Management beginning Monday 8/16. Meetings and discussions included Buncombe County, City Manager's Office, NCEM, NWS, BCFDs, NCDOT, Haywood County Emergency Management throughout the event. An actions overview includes (1) Activated City of Asheville Emergency Operations Center to Level 3, eventually upgraded to Level 2 due to potential intensity increase - Level 2 activation included PW, APD, Water Resources, Asheville Fire Department, Communication & Public Engagement; (2) Utilized AVL Alert to request evacuation of residents from the most impacted areas of the Swannanoa River - Asheville Police Department notified unhoused communities near both Swannanoa and French Broad; (3) AFD responded to 144 incidents during the 24 hour period (a) Conducted over 40 water rescues. 22 victims were rescued from a MH community on Sand Hill Road; (b) Requested and received additional Swiftwater Rescue team from BCEM/NCEM due to call volume; and (c) Deployed 9 members to Haywood County to assist and have been assisting since then which will continue over the foreseeable future; (4) Swannanoa crested @ 14.7ft @ 0345 8/18- (Moderate flood stage - 14.5 ft, 19.2 ft crest in 2004); (5) French Broad crested @ 12.7 ft @ 0238 8/18 - (Minor flood stage - 11.1 ft); (6) Conducted damage assessments to assist in disaster declaration; and (7) COA in conjunction with BC declared a state of emergency due to this event.

Regarding the Tropical Storm Fred response, Public Works Director outlined the following: (1) Beginning Tuesday August 17th Tropical Storm Fred began dumping rain on the Asheville metropolitan area (a) Total of 18 streets were closed and barricaded by Public Works crews. The public was informed of these closures through social media, the Buncombe County EOC and other media sources; (b) 20 downed tree calls. Many entangled with utility lines; (c) Slope failure adjacent to the current one on Vance Gap Road; and (d) Section of Appalachian Way in West Asheville washed out; (2) As soon as the waters began to recede, crews began cleaning the streets of silt and debris and doing safety inspections prior to reopening the streets; (3) Consequently, through their efforts, by late Wednesday afternoon nearly all these streets were reopened, with the exception of Riverside Drive at the railroad trestle in the River Arts District, which remained closed until early Saturday morning August 21st; (4) The road was reopened in time for the half-marathon event that used Riverside Drive as part of the certified course for the race; and (5) Public Works continues to remove debris from bridges, clean drainage structures, pipes and sweep streets in final clean up.

Reparations Process Update

City Manager Campbell said that on July 14, 2020 the Asheville City Council passed a resolution supporting community reparations for Black Asheville. The definitions of reparations are: *"The action of repairing something" "The making of amends for wrong or injury done" "The making of amends for a wrong one has done, by paying money to or otherwise helping those who have been wronged"* The resolution calls for the city manager to, "establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the black community." She explained the three-phase process - PHASE 1: Information Sharing and Truth Telling Speaker Series - May 2021/June 2021 (Completed); PHASE 2: Formation of the Commission - July 2021/August 2021 (Underway); and PHASE 3: Finalize and present the report - January 2022/April 2023.

Interim Equity Officer Brenda Mills explained the role of the project manager. The project management objective include, but are not limited to: (1) Assist in the development of a process to appoint members to Reparations Commission; (2) Support for the work of Reparations Commission to include: (a) Incorporation of information received during Phase 1; (b) Continued community engagement, information sharing and discussion within impacted communities; (c) Attend and facilitate commission meetings; (d) Schedule development for short, medium and long term deliverables, including adjustments based on the progress of work and specific recommendations for prioritizing and accelerating critical path items; (e) Assist the commission with final report and recommendations to the City Council; and (f) Support the formation of working groups of commission members; and (3) Provide process updates on a bi-monthly basis.

She explained the Request for Proposals (RFP) was issued July 7 and responses due August 6 - Nine (9) responses received. All respondents complied with the City's Asheville Business Inclusion Policy. A city team reviewed RFP responses and chose TEQuity - an African American-owned management consulting firm specializing in advancing equity through the use of project management services, strategic planning, technology and analytics. They have worked extensively with: Federal, State and Local government agencies; Minority and women owned businesses; and Historically Black Colleges and Universities.

She outlined TEQuity's relevant project experience in Western NC: (1) TEQuity worked with BBC Research Consultants on the City of Asheville's Disparity Study serving as the community engagement lead and interviewed minority and women-owned businesses in the region. Examined how these businesses were faring in the local marketplace and as part of the City's contracting and procurement as well as measuring participation and availability; (2) Conducted an economic leakage study for the Western NC New Economy Coalition to identify industries for minority and small business creation and expansion; and (3) Led the Small Business Capacity Enhancement project in WNC for the NC Department of Transportation working to grow the capacity of minority and women owned businesses in 31 counties of Western North Carolina. TEQuity is additionally partnering with RTI International, an independent, nonprofit research institute dedicated to improving the human condition. Provides a full range of economic analyses to support client goals. RTI International recent projects include: (1) Blueprint to Dismantle Systemic Racism in Wake County (2021) - a community-based strategy planning process for its development; and (2) North Carolina Innovation Corridor (2020) - conducted research to imagine a regional economic development concept that leverages the innovation and placemaking assets within a 100-mile radius of an established, high-performing innovation hub-the Research Triangle Park and surrounding metro areas - how to generate higher wage job opportunities and more equitable economic growth in the coming decades.

We are currently in the process of completing the contract and will bring it to City Council on September 14 for approval. The formation of the Commission will be by October/November.

Ms. Mills responded to Councilwoman Kigore when she asked about the process for appointments to the Reparations Commission.

Councilwoman Mosley was pleased that Ms. Debra Clark Jones has actual ties to Asheville.

Legislative Update

City Attorney Brad Branham said the State budget proposal was passed by the House of Representatives. Policy additions include billboards, small cell wireless, school zoning, stormwater, short-term rentals, and tree protection.

He said regarding (1) Short-Term Rental Regulation - Also exists in separate bills (HB 829, HB 911); (2) Tree Protection - Asheville because of a Local Act (Session law 1985-556); (3) Legislative Process and Timeline - Budget currently with the Senate; and Governor's approval may not be required; and (4) Opposition Efforts - His office working with other cities, NCLM, key stakeholders to oppose these policy additions in the budget.

In response to Councilwoman Kilgore, City Attorney Branham said that if the legislation regarding short-term rental regulation passes, City Council will be limited to a basic set of zoning authority.

In response to Councilwoman Wisler, City Attorney Branham said that we have asked the legislature to have the stormwater, short-term rentals and tree protection initiatives be vetted independently and not include these embedded in a budget document.

In response to Councilwoman Wisler, City Attorney Branhan encouraged our citizens to contact our state legislators and conference chairs from the house and senate and let them know these will have a detrimental effect on Asheville and other cities and our need to have the ability to self-govern. Councilwoman Roney provided a website - NC Megaphone - that with a single click you can email every state senator and house member in the North Carolina General Assembly.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONDITIONALLY REZONE PROPERTIES LOCATED AT 1617 HENDERSONVILLE ROAD FROM INSTITUTIONAL DISTRICT AND RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 14, 18, 28, 38, 39, 48, 49, 55, 58 AND 59 GLASTONBURY LANE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 9, 15, AND 17 HASTINGS COURT FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; AND 1, 2, 3, 5, 6, 7, 19, 21, 22, 32, 42, 52, 57 AND 62 LINCOLNSHIRE LOOP FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE

ORDINANCE NO. 4397 (14897) - ORDINANCE TO CONDITIONALLY REZONE PROPERTIES LOCATED AT 1617 HENDERSONVILLE ROAD FROM INSTITUTIONAL DISTRICT AND RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 14, 18, 28, 38, 39, 48, 49, 55, 58 AND 59 GLASTONBURY LANE FROM RM-16

RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 9, 15, AND 17 HASTINGS COURT FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; AND 1, 2, 3, 5, 6, 7, 19, 21, 22, 32, 42, 52, 57 AND 62 LINCOLNSHIRE LOOP FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezoning properties located at 1617 Hendersonville Road from Institutional District and RM-16 Residential Multi-Family High Density District to Commercial Expansion/Conditional Zone; 14, 18, 28, 38, 39, 48, 49, 55, 58 and 59 Glastonbury Lane from RM-16 Residential Multi-Family High Density District to Commercial Expansion/Conditional Zone; 9, 15, and 17 Hastings Court from RM-16 Residential Multi-Family High Density District to Commercial Expansion/Conditional Zone; and 1, 2, 3, 5, 6, 7, 19, 21, 22, 32, 42, 52, 57 and 62 Lincolnshire Loop from from RM-16 Residential Multi-Family High Density District to Commercial Expansion/Conditional Zone. This public hearing was advertised on August 13 and 20, 2021.

Action Requested: Conditionally zone 28 parcels totalling approximately 125 acres from Residential Multi-family, High Density (RM-16) and Institutional (INST) to Commercial Expansion - Conditional Zone (COM EXP - CZ).

Project Location and Contacts:

- The project site is located on a large 120 acre parcel located at 1617 Hendersonville Rd. (PIN 9645-89-9707).
- In addition, the rezoning request includes an additional 27 parcels located within the community, as identified in the application.
- Owner: Deerfield Episcopal Retirement Community Inc.

Summary of Petition:

- This petition is to construct a large expansion of the existing Deerfield retirement community along with associated site improvements including parking, open space and sidewalk connections.
- The applicant is seeking a rezoning via conditional zoning due to the overall size and non-residential nature of some of the community facilities.
- The project area is concentrated on approximately 38 acres located in the south/southeast portion of the Deerfield campus and will include multiple new buildings and building expansions that, in sum, will be over 800,000 square feet and will include:
  - 234 independent dwelling units
  - 75 assisted living units
  - 26 additional skilled nursing and community facilities
  - 362 off-street parking spaces, and
  - expanded community facilities
- The project is proposed to be built in two phases and per the proposed master plan will include:

  Phase 1

  A - A 21,500 square foot expansion of the existing skilled nursing facility, adding two levels with 26 new units.

  B - A 9,000 square foot expansion of the existing multipurpose room (Blue Ridge Room)

  C - A new 45,000 square foot, two-story parking deck with 128 spaces

  D - A new 220,000 square foot, five-story independent living facility with 90 units and 90 parking spaces located under the building.

  E - A new 61,800 square foot, three-story building that includes a 30,200 square foot

community center on the ground floor and 24 assisted living units on the second and third levels above the shared community space (Building E will connect to Building G in the future for a total of 148,000 square feet).

F - Two new 36,000 square foot, three-level multifamily "hybrid homes" buildings that are three stories with 12 units each and 12 parking spaces located under each building.

I - A future 2,500 square foot grounds/facilities/maintenance building.

Phase 2 - future

G - A future 86,200 square foot, three-story assisted living expansion containing 51 units.

H - 10 future "hybrid homes" (identical or substantially similar to "F").

- The tallest building will not exceed 65 feet and the architectural style of all structures will be consistent with the existing community character.
- Access into the community will remain unchanged with entrances located on Hendersonville Rd., Racquet Club Rd. and Valley Springs Rd.
- Stormwater infrastructure, roads, sidewalk and open space will continue to be privately maintained.
- Outdoor community open space is provided and scattered throughout the community, including in the areas where the new construction/expansions are occurring.
- An innovative stormwater management system is proposed that is designed to collect and direct stormwater from rooftops and yard basins into a natural looking mountain stream amenity for the residents of the community.
- This water may also be used for irrigation in the landscape.
- Tree canopy preservation and other landscaping will be provided as required.
- The proposed plan appears to meet or exceed these requirements.
- Approximately 27 acres in the northwest corner of the campus falls within the Blue Ridge Parkway Overlay; however, the subject project area is not located within the overlay and is therefore not restricted.
- The COM EXP zoning district requires 10 foot wide sidewalks throughout the community and the applicant is proposing sidewalks that range in width from five to eight feet, depending on context and location on the site.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals including encouraging responsible growth by providing infill development in targeted growth areas and along transit corridors and by enhancing the community's walkability and access to outdoor spaces.
- The project also provides a naturalized stormwater management system thereby supporting goals for green stormwater infrastructure and improving the community's resilience.

Compatibility Analysis:

- The project is integrated into the existing Deerfield retirement community and is, therefore, consistent and compatible with that community that already provides a full range of housing types and support services.
- Additionally, the community itself is compatible with both the surrounding zoning and land uses and transitions well from the low density single family uses to the west to the Hendersonville Rd. commercial corridor to the east.

Council Goal(s):

- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

Committee(s):

- Technical Review Committee (TRC) - April 19, 2021 - approved with conditions.
- Planning and Zoning Commission (PZC) - June 2, 2021 (hearing) and July 7, 2021 (vote) - approved unanimously 6-0.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above.

Ms. Tuch then outlined the conditions: (1) Technical modification (sidewalks); (2) Mix of uses (predominantly residential & uses in support of residences); (3) Mix of housing types; (4) Extensive landscaping and open spaces; and (5) Innovative stormwater management system.

When Councilwoman Roney asked what efforts are being made to reduce the environmental impact through this property, Ms. Tuch said that they have done a significant retrofit of existing facilities to reduce energy use and as they build new, they will apply the same energy strategies.

Mr. W. Louis Bissette Jr., attorney representing Deerfield, gave a brief background of Deerfield.

Mr. John Harrell, from THW Design, briefly went over the site plan. He then reviewed the existing campus map of Deerfield. Their master plan consists of a 90 unit independent living building; community center with assisted living units on upper levels (two phases); 12 unit independent living "hybrid" buildings (two or more phases); 2 level parking deck; new multi-purpose room expansion; 26 bed skilled nursing expansion; grounds maintenance building; and site amenities and new loop road. He outlined the several current energy conservation measures. He explained their energy conservation in new construction, along with several planning considerations/goals. He showed a rendering of the assisted living activity lawn and pictures of the facility and trail network.

In response to Councilwoman Kilgore regarding affordable housing and the need for more diversity, Mr. Bissette said that two years ago Deerfield, in conjunction with their residents, made a $250,000 contribution to the Asheville Affordable Housing Fund. He also explained that if one of their residents cannot pay their fee, they provide funding for those individuals. They have also done extensive work with Habitat for Humanity. They are proud of their community efforts. Councilwoman Turner also noted that Deerfield also made a $100,000 donation to hire staff for the Community Land Trust.

Mayor Manheimer opened the public hearing at 6:17 p.m. and announced that there were no advanced live call-ins for this item. She then closed the public hearing at 6:17 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mosley moved to approve the conditional zoning request for the property located at 1617 Hendersonville Rd. from Residential Multi-family, High Density (RM-16) and Institutional (INST) to Commercial Expansion-Conditional Zone (COM EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that the request: 1) supports infill development in a strategically located area; 2) expands opportunity for walkability and outdoor access; and, 3) provides green stormwater infrastructure improving community resilience. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 - PAGE 366

B. **PUBLIC HEARING TO CONDITIONALLY REZONE 144 AND 159 RIVERSIDE DRIVE FROM RIVER ARTS DISTRICT - OPEN SPACE AND RIVER ARTS DISTRICT - RIVER TO RIVER ARTS DISTRICT - OPEN SPACE/ CONDITIONAL ZONE AND COMMERCIAL EXPANSION/CONDITIONAL ZONE**

ORDINANCE NO. 4398 (14898) - ORDINANCE TO CONDITIONALLY REZONE 144 AND 159 RIVERSIDE DRIVE FROM RIVER ARTS DISTRICT - OPEN SPACE AND RIVER ARTS DISTRICT TO RIVER ARTS DISTRICT - OPEN SPACE/ CONDITIONAL ZONE AND COMMERCIAL EXPANSION/CONDITIONAL ZONE

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezone 144 and 159 Riverside Drive from River Arts District - Open Space and River Arts District - River to River Arts District - Open Space/Conditional Zone and Commercial Expansion/Conditional Zone to construct a 6-story mixed-use building with 160 residential dwelling units and 14,000 square feet of commercial. This public hearing was advertised on August 13 and 20, 2021.

Action Requested: Conditionally zone the property located at 144 and 159 Riverside Dr. from River Arts District - Open Space (RAD-OSP) and River Arts District - River (RAD-RIV) to River Arts District - Open Space, Conditional Zone (RAD-OSP CZ) and Commercial Expansion - Conditional Zone (COM EXP - CZ).

Project Location and Contacts:

- The project site includes a single 1.29 acre parcel located at 144 Riverside Dr. (PIN 9638-88-8040, and a single 2.95 acre parcel located at 159 Riverside Dr. (PIN 9638-88-9364).
- Owner: Riverlink Inc.

Summary of Petition:

- The proposed development project is located along Riverside Dr., just south of Interstate-240.
- The majority of the project, including all of the new building construction, will occur on 159 Riverside Dr. located on the east side of Riverside Dr., and includes a six-story, mixed-use building with 134 dwelling units, 14,000 square feet of commercial space, 182 off-street parking spaces and other related site improvements.
- The total building square footage, excluding the parking podium, is approximately 144,600 square feet.
- The 159 Riverside Dr. parcel is proposed to be conditionally rezoned to COM EXP - CZ.
- 144 Riverside Dr., which is located across the street on the west side of Riverside Dr., is included to meet Tree Canopy Preservation requirements and will be conditionally rezoned separately to RAD-OSP CZ.
- Future uses and/or development on the 144 Riverside Dr. parcel will be limited to those allowed in RAD-OSP and subject to the UDO's technical and process standards, and the design and operational standards found in the River Arts District Form District code.
- The applicant is seeking a conditional rezoning due to the number of residential units (over 50) and the overall size of the building (over 100,000 s.f.).
- 159 Riverside Dr. is under a brownfield agreement and development of the site must comply with the conditions of this agreement.
- Buildings in this area of the River Arts District (RAD) are limited to five stories or seven stories when 20% of the residential units meet affordable housing standards.
- The project includes six stories for a portion of the building and is offering 5% of the total number of units (7 units) to be affordable to those earning 80% of Area Median Income

(AMI) for a period of 20 years.

- The project also provides a number of other public benefits (see Plan Consistency below).
- While the proposed building exceeds the number of stories proposed the height is less than the 70 foot height limit.
- 159 Riverside Dr. is located within the 100 year floodplain for the French Broad River.
- 144 Riverside is located in the floodway and 100 year floodplain, limiting future use of this property.
- The applicant proposes to elevate the first floor of the building to be above the base flood elevation with structured parking below in order to comply with flood regulations.
- The existing historic mill building on the northern end of the project site is proposed to be preserved and will connect to the new construction.
- An eight foot wide sidewalk is proposed in front of the building on 159 Riverside Dr.
- A six foot wide planting strip separates the sidewalk from the Riverside Dr.
- Vehicular access to the off-street parking is proposed to be located at both ends of the site (north and south) off of Riverside Dr.
- A separate entrance to the structured parking is located at the back of the building and accessed directly from the parking lot.
- The subject property is located within the River Arts District Form Code area and while a conditional zoning is required, the design requirements of the form district will still apply.
- The applicant is seeking modifications to certain development requirements including:
    1. **Exceeds the maximum number of stories** - the River Arts Form District controls the visual impact of new construction by establishing standards that regulate a vertical height measurement and the number of stories. The proposed project meets the maximum 70 foot height requirement but exceeds the maximum story height of five stories by one story, resulting in a six-story building for approximately half of the building.
    2. **Exceeds the maximum driveway width** - the driveway entrance on the south side exceeds the maximum driveway width of 24 feet by two additional feet due to fire department access requirements.
    3. **Exceeds the maximum building length** - building facades greater than 200 feet long must be broken up with openings a minimum of 15 feet wide and 11 feet high. The primary building facade is over 400 feet long, requiring two interruptions/openings. The applicant proposes to provide two glass enclosed openings, allowing light but preventing air movement and the movement of people from the front to the back of the site.
- Staff and the Design Review Committee supported the modifications #s 1 and 2 but expressed concern about #3; however, the majority of the Planning & Zoning Commissions supported all three modifications requested.
- Landscape requirements apply and include street trees, parking lot screening and parking lot landscaping.
- Open space is not required, however, Tree Canopy Preservation ("TCP") is, and the proposed plans indicate full compliance utilizing the parcel across the street at 144 Riverside Dr.

Plan Consistency:

Living Asheville Comprehensive Plan

The proposed development supports the following goals in the Living Asheville Comprehensive Plan:

- Encouraging responsible growth by providing infill development in targeted growth areas and near transit corridors.
- Increases the supply of housing, including affordable housing.
- Developing underutilized sites, including brownfield sites.

- Enhances bike and pedestrian infrastructure and improves overall walkability and access to open space.
- Provides a green roof and stormwater recapture system which supports goals for green stormwater infrastructure and improving the community's resiliency.
- Preserves the historic mill building and incorporates it into the new construction, meeting goals for neighborhood identity and creative placemaking.

Wilma Dykeman Riverway Masterplan

- The subject property is located in the River Arts District which is identified in the Wilma Dykeman Riverway Masterplan as an area where mixed-use, mixed income housing that preserves the industrial heritage of the mills is desired in order to contribute to the unique neighborhood identity and promote creative placemaking.
- The plan also calls for enhanced (multimodal) access to businesses, residents and recreation opportunities as well as preserved open space and green infrastructure that will help control and clean storm and flood waters.
- The project largely aligns with the aforementioned plan goals.

Compatibility Analysis:

- New building construction is located between Riverside Dr. and Norfolk Southern railroad tracks, both of which are located within wide rights-of-way (100+ feet) that effectively separate and buffer the project from adjacent uses.
- The nearest residence is over 300 feet from the back of the proposed building.
- The proposed building is oriented towards Riverside Dr. as required by the River Arts Form Code and River District Design Guidelines, and includes an enhanced pedestrian zone and streetscape that connects the project to the public use areas.
- The proposed use and design is consistent with the existing Future Land Use designation of Traditional Corridor which calls for mixed-use development with buildings located close to the street and enhanced multimodal access.

Council Goal(s):

- This project is most closely aligned with the council goals of *A Well-Planned and Livable Community* and *Quality Affordable Housing*.

Committee(s):

- Technical Review Committee (TRC) - April 19, 2021 - approved with conditions.
- Asheville Area Riverfront Redevelopment Commission (AARRC) - May 13, 2021. The Commission heard a summary of the project and expressed appreciation for the materials, design and enhanced streetscape but expressed concerns over the safe movement of pedestrians from the greenway and open space areas across the street and also offered recommendations to substitute native riparian plant species for some of the plant material proposed.
- Design Review Committee (DRC) - June 3, 2021. The Committee reviewed the proposed project and recommended approval of the design with the following conditions:
    1. The building design is adjusted to include the building pass-through in accordance with the form code at 159 Riverside Dr.;
    2. The project provides vegetated screening along the parking lot proposed at 144 Riverside Drive in accordance with the guidelines;
    3. The width of the sidewalk is adjusted to widen the planting strip at the northern end of 159 Riverside Dr., and,
    4. No signage is applied to the historic smokestack.
- **Note:** the applicant subsequently modified their plans addressing conditions #2-4.
- Planning and Zoning Commission (PZC) - July 7, 2021. The Commission reviewed the proposed project, along with the recommendation from the DRC, and recommended approval of the design without conditions, 5:1.

Staff Recommendation:

- Staff concurs with the PZC recommended approval based on the reasons stated above.

Ms. Tuch explained the following conditions: (1) Technical modifications (stories, pass-through, driveway); (2) Mix of uses (residential & commercial); (3) Affordable housing (5% or 7 units); (4) Structured parking (raising building above base flood elevation); (5) Green roof & stormwater recapture; (6) Preservation of historic structures; and (7) Brownfield site.

Ms. Tuch responded to Councilwoman Turner when she asked for the reasoning behind breaking up the facade if over 200 feet.

Mr. Wyatt Stevens, attorney representing the developer, gave a brief history of the existing property. He then showed various renderings of the mixed use development on 144 and 159 Riverside Drive. He showed the conceptual rendering, along with site plan and elevations.

In response to Councilwoman Roney, Mr. Stevens said that they have made a commitment to use good faith efforts to hire minority contractors and women-owned businesses when available and qualified. In addition, they will hold job fairs and the general contractors will be required to make that same commitment.

There was discussion, initiated by Councilwoman Roney, around whether the developer would be willing to build seven stories in order to get more than 5% affordable units. Mr. Stevens said that they did consider the City's Land Use Incentive Grant Policy; however, they didn't qualify and due to the acquisition, development and construction costs of a project of this nature, they would not be able to provide any more than 5% affordable housing.

Mayor Manheimer opened the public hearing at 7:10 p.m.

Ms. Anne Keller, RiverLink's Board Chair, spoke in support of the conditional zoning as it will bring more activity in the River Arts District.

Mayor Manheimer closed the public hearing at 7:12 p.m.

In response to Councilwoman Turner, City Attorney Branham said that any amendment to the conditions must be accepted by the applicant and the City. If the applicant agrees to the condition, then a motion to amend the conditions would be in order. He reminded Council that we do not have inclusionary zoning laws in North Carolina, which means that there is no means to require any percentage of affordable housing in new development, and therefore the number of affordable housing units should be not considered in your final vote. Council should only consider the impacts to the community and the continuity with approved area plans.

When Councilwoman Turner asked the developer if he would be willing to provide more affordable housing units. Mr. Wyatt said that the applicant has provided as much as he can with 5% and with all due respect, he cannot do anymore.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mosley moved to approve the conditional zoning request for the property located at 144 and 159 Riverside Dr. from River Arts District - Open Space (RAD-OSP) and River Arts District - River (RAD-RIV) to River Arts District - Open Space Conditional Zone (RAS-OSP CZ) and Commercial Expansion - Conditional Zone (COM EXP - CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets

the development needs of the community in that the request: 1) supports infill development in a strategically located area; 2) sets aside units to be affordable to those earning 80% AMI; 3) expands opportunities for bike and pedestrian access to businesses, parks and open spaces; 4) provides green stormwater infrastructure improving community resilience; 5) develops an underutilized property (brownfield site); and, 6) preserves historic structures. This motion was seconded by Councilwoman Kilgore and carried on a 5-2 vote with Councilwoman Roney and Councilwoman Turner voting "no."

ORDINANCE BOOK NO. 33 - PAGE 386

C. PUBLIC HEARING TO CONDITIONALLY REZONE 22 WOODFIN PLACE FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS EXPANSION DISTRICT/CONDITIONAL ZONE TO CONSTRUCT A 7-11-STORY MIXED-USE BUILDING ADDITION CONTAINING APPROXIMATELY 40 EXTENDED STAY HOTEL SUITES (80 GUEST ROOMS), 115 RESIDENTIAL UNITS AND 8,000 SQUARE FEET OF COMMERCIAL SPACE, ALONG WITH THE RENOVATION OF AN EXIATING 150-ROOM HOTEL

ORDINANCE NO. 4399/14899 - ORDINANCE TO CONDITIONALLY REZONE 22 WOODFIN PLACE FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS EXPANSION DISTRICT/CONDITIONAL ZONE TO CONSTRUCT A 7-11-STORY MIXED-USE BUILDING ADDITION CONTAINING APPROXIMATELY 40 EXTENDED STAY HOTEL SUITES (80 GUEST ROOMS), 115 RESIDENTIAL UNITS AND 8,000 SQUARE FEET OF COMMERCIAL SPACE, ALONG WITH THE RENOVATION OF AN EXIATING 150-ROOM HOTEL

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezone 22 Woodfin Place from Central Business District to Central Business Expansion District/Conditional Zone to construct a 7-11-story mixed-use building addition containing approximately 40 extended stay hotel suites (80 guest rooms), 115 residential units and 8,000 square feet of commercial space, along with the renovation of an existing 150-room hotel. This public hearing was advertised on August 13 and 20, 2021.

Action Requested: Conditionally zone the property located at 22 Woodfin St. from Central Business District (CBD) to Central Business District Expansion - Conditional Zone (CBD EXP - CZ).

Project Location and Contacts:

- The project site consists of a single 3.55 acre parcel located at 22 Woodfin St, (PIN 9649-41-6829).
- Owner: 22 Woodfin St. LLC

Summary of Petition:

- This petition is to construct a 7 to 11-story, mixed-use building that wraps around an existing 150 room hotel, along with associated site improvements including parking, open space and sidewalk/streetscape improvements.
- The project area will take up the entire three and a half acre site and will total approximately 480,000 gross square feet, including:
  - The existing 150 room hotel (87,000 square feet)
  - 8 additional standard hotel rooms
  - 49 extended stay hotel suites
  - 106 residential dwelling units (mix of apartment and condominium)

  - Approximately 8,000 square feet of non-residential/commercial space at the ground floor, (possibly including a 3,000 square foot grocery store).
- New construction includes approximately 393,000 square feet.
- The applicant is seeking a rezoning via conditional zoning due to the overall size (over 100,000 square feet) and height (over 100 feet) of the project.
- The subject property is located within the tallest height zone in height. as identified in the Unified Development Ordinance ("UDO").
- The tallest height zone allows buildings up to 265' in height.
- The maximum height of the proposed building addition is 119 feet-7 inches, as measured per the UDO.
- The subject property is also located within the Hotel Overlay zoning district which allows large and small hotels.
- The resulting hotel use will include 238 guest rooms and will be classified as a large hotel.
- As a conditional zoning application, public benefits as described in Appendix 7-A (Sec. 7-9-7(g)(2)(e) do not apply.
- The applicant may choose, however, to incorporate public benefits into their project as a way to mitigate or offset certain impacts.
- An approximately 11,500 square foot green roof is included in the design and public art is proposed along the wall(s) on Central Ave.
- The applicant is also proposing to incorporate building design consistent with two Green Globes (no commitment for certification).
- The applicant may work with the City Council on incorporating additional public benefits into the project in order to help offset the overall impact of the project.
- Affordable housing is not included in the project.
- Off-street parking for the hotel use is required; 238 guest rooms require a minimum of 119 off-street spaces.
- No parking is required for the other uses.
- The project provides 302 off-street parking spaces (174 structured spaces + 128 surface spaces).
- The project also proposes six on-street parking spaces with four spaces proposed along Woodfin St. and two spaces added to Central Ave.
- Vehicular access to the property includes two driveways into the surface parking, one each on Woodfin St. and Central Ave.
- There is an additional driveway into the parking deck proposed on Woodfin St.
- The project proposes to reduce the existing two westbound lanes on Woodfin St. to one lane for approximately 200 feet.
- This allows for the addition of four on-street parking spaces in front of the commercial ground level.
- A minimum 10 foot wide sidewalk is required along both Woodfin St. and Central Ave.
- Sidewalk ranging in width from 10 feet to 12 feet+ with courtyard space is shown.
- Most of the sidewalk will be constructed within the city rights-of-way but a portion will fall on private property requiring an easement for public use.
- Landscape requirements are minimal and limited to street trees, street buffer and parking lot landscaping.
- Open space is not required but Tree Canopy Preservation ("TCP") is required at a rate of five percent of the total site.
- The project will comply with TCP.
- The project proposes a limited "road diet" along approximately ⅔ of the Woodfin St. frontage, reducing the four travel lanes to three in order to accommodate wider sidewalks and four on-street parking spaces.
- A Traffic Impact Analysis ("TIA") was required and completed, following the North Carolina Department of Transportation (NCDOT) and City of Asheville review process.
- The study recommended standard signage and markings at the driveways and did not

require any mitigation to the surrounding intersections.

- The applicant is seeking modifications to certain design requirements including:
  - Expanses of blank wall with a horizontal width greater than 20 feet facing Central Ave. (wall measures approximately 25 feet wide).
  - Maximum setback on the Central Ave. facade shall exceed 20 feet in front of the terrace/courtyard, as shown on the building elevations and site plans (setback measures approximately 22').
  - The building exceeds the maximum horizontal wall dimension of 145 feet for the portions over 75 feet in height.
  - The lack of windows, doors and other openings along Central Ave. as the grade of the sidewalk drops below the floor level, which results in a blank wall that is over six feet in height (wall ranges in height from four to 12 feet).
  - Setting aside 50% of the street facing facade as a separate storefront on the Central Ave. facade (project sets aside 16%).

Comprehensive Plan Consistency:

- The proposed development supports a number of Plan goals including:
  - Encouraging responsible growth by providing infill development in targeted growth areas and along transit corridors that are in proximity to employment, goods, and services.
  - Enhancing pedestrian infrastructure and overall walkability.
  - Contributing to community placemaking through commitment to public art.
  - Providing a green roof system, which supports goals for green stormwater infrastructure and improving the community's resiliency.

- While the project, as proposed, is aligned with certain key goals found in Living Asheville, the Plan offers the following comment regarding lodging in the CBD, "*While there are a large number of residential units in downtown, a percentage of them are used only part of the year, a trend that should continue to be monitored, while applicable short-term vacation rental strategies and best practices are explored. Lodging is essential to the mix of uses downtown and while additional lodging uses may be appropriate, they must be considered in context with other development so that the variety and mix of uses, which give downtown its distinctive character, is not compromised.*"

Compatibility Analysis:

- The project is located in the tallest height zone of the CBD (allowing up to 265' in height) where large, multi-storied buildings are anticipated.
- The proposed building would be the largest building in the area but is designed to resemble a collection of buildings that would be in keeping with the size and scale of other blocks.
- Additionally, the subject property is not directly adjacent to another parcel and is separated by road or interstate rights-of-way on all four sides, including controlled access right-of-way for Interstate 240 on both the west and north sides.
- The design and site context helps to mitigate the scale and mass of the project (see Project Renderings).
- Other comparable large/tall buildings in the area include (square footage is approximate):
  - Grove Arcade = 200,000 s.f., 3-4 stories
  - Harrah's Cherokee Center = 200,000 s.f., 3-4 stories
  - Battery Park Hotel = 170,000 s.f., 13 stories
  - Arras Hotel = 200,000 s.f., 17 stories
  - Renaissance Hotel = 190,000 s.f., 13 stories
- The proposed mix of uses are compatible and similar to the uses in the vicinity, which include lodging, residential, office, and health and fitness facilities.

Council Goal(s):

- This project is most closely aligned with the City Council goal of *A Well-Planned and Livable Community.*

Committee(s):

- Technical Review Committee (TRC) - April 5 & April 19, 2021 - approved with conditions.
- Downtown Commission (DTC) - May 14, 2021. The Commission heard a summary of the project and expressed appreciation for the road diet and streetscape improvements but also expressed concerns over the Central Ave. facade and the proposed extended stay hotel units contributing to an imbalance of lodging units in the CBD.
- Design Review Committee (DRC) - June 17, 2021. The Committee reviewed the proposed project, along with the applicable materials, and recommended approval of the design with the following conditions.
    1. The applicant explore pedestrian improvements at the southwest corner of the project area;
    2. Landscaping and/or public art be applied to the wall on Central Ave. to soften the wall and provide interest for pedestrians; and,
    3. The applicant should work with the City Council on incorporating additional public benefits into the project in order to help offset the overall impact of the project.
- Planning & Zoning Commission (PZC) - July 7, 2021. The Commission reviewed the proposed project, along with the recommendations from the DRC, and recommended approval with the same conditions as those identified by the DRC, in addition to some minor revisions to project conditions as suggested by staff.

  Note: The applicant has responded to the recommendations and has added a commitment for art along the Central Ave. facade, addressing condition #2 and partially addressing condition #3. Green building elements including a green roof and Green Globe building features were already included in the project as additional public benefits. The applicant has looked at possible pedestrian improvements to the southwest corner; however, due to existing site constraints combined with the goal to preserve existing trees, they were unable to change the sidewalk and ramp design.

Staff Recommendation:

- Staff concurs with the DRC and PZC and recommends approval of the project based on the reasons stated above, also recognizing that the applicant has largely met the recommended conditions.

Ms. Tuch explained some of the conditions: (1) Technical modifications; (2) Mix of uses (hotel, extended stay hotel, residential, commercial); (3) Green roof; (4) Limited road diet; (5) Art along Central Ave.; and (6) 4 year approval period.

In response to Councilwoman Wisler, Mr. Derek Allen, attorney representing the developer, said that 49 are extended stay units are hotel rooms and they are intended to be a part of the ownership of the project. The 49 units will be owned and operated by the hotel.

Mr. Allen then highlighted some of the items Ms. Tuch reviewed, and outlined two revisions to the conditions: "(1) a new condition - Applicant will make good faith efforts to follow (and will expect its subcontractors to follow) the principles set forth in the Federal Procurement Regulations of 24 CFR 85.36(e) regarding contracting with small and minority firms and women's business enterprises, as modified as follows: (a) Applicant will take affirmative steps to assure that minority firms and women's business enterprises are used when possible; (b) Affirmative steps will include: (i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (iii) Dividing total

requirements, when economically feasible, into smaller tasks or quantities to permit; (iv) maximum participation by small and minority business, and women's business enterprises; (v) Conducting job fairs in minority neighborhoods; (vi) Working with the YMI, Mountain Biz Works and other local non-profit agencies that serve the minority communities in Asheville; and (vii) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed this section; and (2) a modified condition no. 4 to read: 4. The proposed building addition (which is built around the existing Four Points hotel building), is approximately 480,000 square feet and includes the following: (a) 116 residential units that will be a mix of condominium and apartment units. A minimum of 10 units will be designated affordable at 80% AMI for a minimum of twenty years and subject to the following restrictions: (i) The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Asheville Community Development Department; and (ii) An Affordable Housing Deed Restriction will be provided by the City and will be filed and recorded by the property owner in Buncombe County Register of Deeds prior to the Project receiving final zoning permit; (b) 49 extended stay hotel suites that will be managed by the hotel per the updated City of Asheville UDO requirements; (c) 7,947 SF of total commercial space along Woodfin Street, including 3,000 square feet for a small grocery store; and (d) 308 total parking spaces, including structured, surface and a small amount of on-street parking." He explained that they used the public benefits table as a guide for the development. Using that table as a guide for the 49 extended stay hotel units, they have committed to several items, one of which is a commitment of $4,000 per room to be dedicated to either the Housing Trust Fund or the Reparations Fund.

In response to Councilwoman Mosely, City Attorney Branham said that City Council has the flexibility on where to put the $160,000 (4,000 per room of the 49 extended stay hotel units). He said we can structure this so the funds can be donated to the City and Council can make the designation unilaterally and after the fact. The benefits are purely voluntary and does not have a binding effect. It will not be made a part of the conditions.

When Councilwoman Roney asked about how many jobs will likely be at or above 80%, or $20.34/hour, Mr. Allen said that at this stage of the project they did not know the answer to that question.

Mayor Manheimer opened the public hearing at 8:09 p.m.

Three individuals urged City Council not to add any more hotels.

Mayor Manheimer closed the public hearing at 8:15 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

City Attorney Branham said that the voluntary donation of the $160,000 is outside the scope of the conditional zonings, but the statement has been noted in the record.

Councilwoman Turner moved to approve the conditional zoning request for the property located at 22 Woodfin St. from Central Business District (CBD) to Central Business District Expansion - Conditional Zone (CBD EXP - CZ) with the addition of the one additional condition and revised No. 4 condition as outlined by Mr. Allen, and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that the request: 1) supports infill development in a strategically located area; 2) expands opportunity for walkability; 3) provides green stormwater infrastructure improving community resilience, and 4) provides public art contributing to community

placemaking. This motion was seconded by Councilwoman Kilgore and carried a 4-3 vote with Councilwoman Mosley, Councilwoman Roney and Vice-Mayor Smith voting "no."

ORDINANCE BOOK NO. 33 - PAGE 399

D. 101 CHARLOTTE STREET

PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO RCG LLC FOR 101 CHARLOTTE STREET PROJECT

At the request of the developer, Vice-Mayor Smith moved to continue this public hearing until September 28, 2021. This motion was seconded by Councilwoman Mosley carried unanimously by roll call vote.

PUBLIC HEARING TO CONDITIONALLY REZONE 99999 CHARLOTTE STREET, 121CHARLOTTE STREET, 123 CHARLOTTE STREET, 125 CHARLOTTE STREET, 129 CHARLOTTE STREET, 135 CHARLOTTE STREET, 276 EAST CHESTNUT STREET and 99999 EAST CHESTNUT STREET FROM COMMUNITY BUSINESS I DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 3 BAIRD STREET, 15 BAIRD STREET, 19 BAIRD STREET, 23 BAIRD STREET, 25 BAIRD STREET, 132 FURMAN AVENUE and 134 FURMAN AVENUE FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 102 FURMAN AVENUE AND 99999 EAST CHESTNUT STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE, ALONG WITH AN AMENDMENT TO THE FUTURE LAND USE MAP DESIGNATION OF 99999 EAST CHESTNUT STREET FROM TRADITIONAL NEIGHBORHOOD TO TRADITIONAL CORRIDOR

At the request of the developer, Councilwoman Wisler moved to continue this public hearing until September 28, 2021. This motion was seconded by Councilwoman Kilgore carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS

City Manager Campbell said that this is an opportunity for the public to give input on the American Rescue Plan Act (ARPA) State and Local Government Fiscal Recovery Funds.

Internal Auditor Patricia Rosenberg briefly reviewed the information she provided to Council in the worksession held earlier in the day.

Background:

- The American Rescue Plan Act (ARPA) of 2021, which is designed to facilitate the United States' recovery from the devastating economic and health effects of the COVID-19 pandemic, was signed into law by President Biden on March 11, 2021.
- As part of the ARPA State and Local Government Fiscal Recovery Funds (FRF), the City of Asheville is receiving $26,293,853.

- On July 27, 2021, City Council authorized the receipt of the $26.2 million in ARPA funding and delegated the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.
- There have been two City Council work sessions to facilitate the development of a plan for spending the $26.2 million in ARPA FRF funding.
- The U.S. Treasury Department has issued guidance to describe allowable uses for the ARPA FRF funding, which centers around these major areas:
    - Public Health Uses
    - Negative Economic Impacts
    - Premium Pay for Essential Workers
    - Revenue Losses
    - Investments in Water, Sewer, and Broadband Infrastructure
    - Crime Response and Prevention.
- The City plans to issue a community-wide Request for Proposals for specific projects that fit in the categories that Council will vote to approve at the September 14, 2021, meeting.
- These are the staff recommended categories to receive funding:
    - Affordable housing
    - City infrastructure: building safety and resilience
    - Community communication
    - Domestic violence prevention and assistance
    - Food systems
    - Homelessness services
    - Small business recovery
    - Workforce development
- In addition to the staff recommendations above, these categories are eligible for funding but have other potential funding available:
    - Arts and cultural expression
    - Care for aging residents
    - Childcare
    - Emergency planning
    - Environmental protection and sustainability
    - Premium pay for essential workers
    - Public health, mental health, and substance abuse
    - Stormwater infrastructure
    - Transit
    - Transportation connectivity infrastructure
    - Utility billing
    - Water infrastructure
    - Youth programming

Council Goal(s):

- A Financially Resilient City
- An Equitable and Diverse Community
- A Clean and Healthy Environment
- Quality Affordable Housing
- A Thriving Local Economy
- A Connected and Engaged Community

Committee(s):

- Work Sessions with City Council - July 27, 2021 and August 24, 2021

Pro(s):

- Addresses community needs to aid in the recovery from the devastating economic and health effects of the COVID-19 pandemic

- Provides equitable solutions to repair harm that was exacerbated by the pandemic and build resilience for the future

Con(s):
- None

Fiscal Impact:
- The $26.2 million in ARPA FRF funding was authorized for receipt by Council on July 27, 2021.
- Staff is bringing forward budget amendments to appropriate the funding as Council approves specific usage of the $26.2 million.

Ms. Rosenberg said the following categories are the staff recommended categories to receive funding: (1) Affordable housing - increase access to affordable housing for low and moderate income individuals and families; (2) Homeless services - improve access to stable, affordable housing for unhoused individuals; (3) Small business recovery (a) help support businesses recover from pandemic-related losses and/or build resilience for the future; and (b) includes public infrastructure for adaptability; (4) Workforce development - help create programs that train unemployed or underemployed workers for long-term employment; (5) Food systems - promote and support a more equitable food system from farm to disposal; (6) City infrastructure - improve City buildings' safety and create resilient work environments; (7) Domestic violence prevention and assistance - projects to mitigate increases in domestic violence during the pandemic or to prevent domestic violence through supportive housing; and (8) Community communication - increase community access to decision making.

Five individuals provided Council with the input on what categories they would like the ARPA funds to be used for, some being, but are not limited to: youth programming and childcare; community communication; no funds to Asheville Police Department; and 40% on fighting homelessness is out of proportion to the rest of the categories.

Councilwoman Roney strongly suggested the public review the worksession regarding ARPA funding that is archived on the City's youtube channel. She was concerned about the spending in the Federal Instructure Bill named on slide 6, that we are pinning these very important categories of Environmental Protection/Sustainability, Stormwater Infrastructure, Transportation Connectivity Infrastructure, and Water Infrastructure on funds that have not been approved yet, but if they are, they will likely go through the state and be used to fill a funding gap at the state level. She noted that the Climate Justice Outreach report could be available as soon as today. She thinks we need to set aside funds to address climate justice with a race and class analysis for the equitable recovery Council agreed to. She does not want to wait until might get some funds that may be absorbed by the state.

Councilwoman Mosley said that she attended a meeting called for by the Hillcrest residents, who asked for a stronger police presence in their community because people who do not live in their community come in to commit crimes. White people routinely comment on what is best for Black people. A rhetorical question is, to whom should we listen when what white people suggest is the polar opposite of what Black people say they need?

B. BOARDS & COMMISSIONS

Asheville City Board of Education

Vice-Mayor Smith moved to amend the agenda to include the appointment of George Sieburg as a member to the Asheville City Board of Education. This motion was seconded by Councilwoman Mosley.

Councilwoman Roney was concerned that this appointment was not on the City Council agenda. She said that the vacancy to the Asheville City Board of Education will not be until November so we have time to make the appointment. She suggested we wait until the September 14 meeting before considering the appointment.

Vice-Mayor Smith said that the Boards & Commissions Committee recommended to appoint from the candidate pool already approved by City Council back in April, when the other Asheville City Board of Education members were appointed. There is also a bill pending to move this to a fully elected process. If the bill passes, the Asheville City Board of Education members will only be serving about one year and will have to go through the election process if they wish to remain a member.

In response to Councilwoman Turner, Councilwoman Mosley said she has spoken with Mr. Sieburg and he would be willing to serve the unexpired term of Ms. Jacqueline McHargue.

The motion made by Vice-Mayor Smith to amend the agenda, and seconded by Councilwoman Mosley carried on a 6-1 vote, with Councilwoman Roney voting "no."

RESOLUTION NO 21-193 - RESOLUTION APPOINTING GEORGE SIEBURG TO THE ASHEVILLE CITY BOARD OF EDUCATION EFFECTIVE NOVEMBER 8, 2021

Vice-Mayor Smith moved to appoint George Seiburg as a member of the Asheville City Board of Education, to serve the unexpired term of Jacqueline McHargue, term to begin November 8, 2021, and expire April 1, 2025, or until his successor is appointed. This motion was seconded by Councilwoman Mosley and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no."

RESOLUTION BOOK NO. 42 - PAGE 360

Other Appointments

Regarding the African American Heritage Commission, the following individuals applied for the vacancy: Thomas Ryan and Dewayne McAfee. It was the consensus of the Boards & Commissions Commission to re-advertise for the seat.

Regarding the Buncombe County Tourism Development Authority, the following individuals applied for the vacancies: Matthew Lelman, Pratik Bhakta and Michael Lusick for the 100+ units; and Scott Kerchner and Larry Crosby for the 100 units or less. It was the consensus of the Boards & Commissions Committee and City Council to interview: Matthew Lelman, Pratik Bhakta and Michael Lusick for the 100+ units; and Scott Kerchner and Larry Crosby for the 100 units or less.

RESOLUTION NO. 21-189 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Board of Electrical Examiners.

The term of Charlie Wheeler (journeyman electrician) expires on July 1, 2021.

The following individuals applied for the vacancies: Jonathan Knox and Rick Sluder.

The Boards & Commissions Committee recommended appointing Rick Sluder.

Vice-Mayor Smith moved to appoint Rick Sluder (journeyman electrician) to serve a three-year term, term to expire July 1, 2024, or until Rick Sluder's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 356

RESOLUTION NO. 21-190 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Asheville-Buncombe Historic Resources Commission.

The term of Maggie Brousaides expired on July 1, 2021.

The following individual applied for the vacancies: Amanda Vollrath.

It was the consensus of the Boards & Commissions Committee to appoint Amanda Vollrath.

Vice-Mayor Smith moved to appoint Amanda Vollrath to serve a three-year term, term to expire July 1, 2024, or until Amanda Vollrath's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 357

RESOLUTION NO. 21-191 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission.

Will Overfelt and Davidson Jones have resigned from the Human Relations Commission, thus leaving two unexpired terms until June 1, 2022.

The following individuals applied for the vacancies: Ricky McGrath, Tim Collins, Amanda Benson-Bremseth, Michael Brown and Alex Nava.

It was the consensus of the Boards & Commissions Committee to appoint Tim Collins and Alex Nava.

Vice-Mayor Smith moved to (1) appoint Tim Collins to the Human Relations Commission to serve the unexpired term of Will Overfelt, term to expire June 1, 2022, or until Tim Collin's successor has been appointed; and (2) appoint Alex Nava to the Human Relations Commission to serve the unexpired term of Davidson Jones, term to expire June 1, 2022, or until Alex Nana's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 358

RESOLUTION NO. 21-192 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Multimodal Transportation Commission.

The terms of John Bausone (transit seat) and Kenneth Armstrong (greenway seat) expired on July 1, 2021. In addition, Michael Waddell (transit seat) resigned, thus leaving an unexpired term until July 1, 2022. Lastly, Lydia Buehrer (greenway seat) has resigned, thus leaving an unexpired term until July 1, 2022.

The following individuals applied for the vacancies: Marty Shults, Joseph Chesler, Bill Loftis, Christine Harris, Micah McLain, Karla Furnari and Leanna Joyner.

At the request of the Chair, it was the consensus of the Boards & Commissions Committee to reappoint John Bausone and Kenneth Armstrong. At the request of the Commission, it was the consensus of the Boards & Commissions to appoint Bill Loftis to the transit seat and Micah McLain to the greenway seat.

Vice-Mayor Smith moved to (1) reappoint John Bausone (transit seat) and Kenneth Armstrong (greenway seat) to each serve a three-year term , terms to expire July 1, 2024, or until their successors have been appointed; (2) appoint Karla Furnari (transit seat) to serve the unexpired term of Michael Waddle, term to expire July 1, 2022, or until Karla Furnari's successor has been appointed; and (3) appoint Bill Loftis (greenway seat) to serve the unexpired term of Lydia Buehrer, term to expire July 1, 2022, or until Bill Loftis' successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 359

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, seven individuals spoke to Council, including, but not limited to the following comments: consider YMI Cultural Center for funding; statistics of census data; need to adopt Lights Out Program to protect migrating birds; and need to make the public more aware of the mask mandate.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:28 p.m.

Magdalen Bledsoe — CITY CLERK

Esther E. Manheimer — MAYOR

Department of Natural and Cultural Resources
Division of Archives and Records
Collections Services Section

Certificate of Authenticity

This is to certify that the following images are true and accurate reproductions of records received by this agency for the purpose of scanning and creating microfilm from the scanned images. It is further certified that any micrographic format created through conversion or duplication of these images complies with the Uniform Photographic Copies of Business and Public Records as Evidence Act, as described in G.S. § 8-45.1, and forms a durable medium for reproducing the original record. It is also certified that processes exist to prevent the unauthorized creation, addition, alteration, deletion, or deterioration of these images, and that these images were scanned under the direction of the undersigned on the date(s) indicated below.

The records consist of: BUNCOMBE COUNTY

CITY OF ASHEVILLE, CITY COUNCIL

The records begin with:

VOLUME: 99 DATE: NOVEMBER 10, 2020 PAGE: INDEX

and end with:

VOLUME: 99 DATE: August 24, 2021 PAGE: 441

Date scanning began: 2/21/22 Date scanning ended: 2/21/22

Scanning Resolution (dpi): 300

Number of pages scanned: 483

LDixon

Equipment Operator